

**CITY OF BAY CITY**  
MINUTES • MARCH 23, 2021

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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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Jim Folse

**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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Floyce Brown

***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 meeting to order at 6:00 pm.

**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*

**CERTIFICATION OF QUORUM****QUORUM PRESENT**

Mayor Robert K. Nelson  
Mayor Pro Tem Jason W. Childers  
Councilman Jim Folse  
Councilman Brent P. Marceaux  
Councilwoman Becca Sitz

**ABSENT**

Councilwoman Floyce Brown

**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.

Mayor Pro Tem Jason Childers

**APPROVAL OF AGENDA**

Motion made by Councilman Marceaux to approve the agenda, Seconded by Mayor Pro Tem Childers.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion Carried.

**APPROVAL OF MINUTES**

Motion made by Mayor Pro Tem Childers to approve the minutes of the Workshop on March 2, 2021 and the minutes of the Regular meeting on March 9, 2021, Seconded by Councilman

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Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

1. **Meeting minutes of Regular Council meeting of March 9, 2021**
2. **Meeting minutes of Council Workshop on March 2, 2021**

#### **PUBLIC COMMENTS**

There were no public comments.

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

3. **Ordinance ~ An Ordinance amending Ordinance 818 adopted by the Joint Airport Zoning Board of the City of Bay City - Matagorda County, and amending the City of Bay City Code of Ordinances Chapter 18 Aviation, Article II ("Airport Zoning"); providing a penalty; providing for severability; and providing an effective date.** James Mason, Airport Manager

James Mason, Airport Manager, presented the airport zoning ordinance passed this evening by the Bay City Matagorda County Joint Airport Zoning Board. The Ordinance has added maps, wild life zone, and updated wording. Section 18.42 was changed today to clarify wording that did not change substance of section. Mayor Pro Tem Childers asked if there were any public comments that came after the Public Hearing. Mr. Mason replied there were none. Councilman Marceaux stated that the change was long overdue and very much appreciated. Mayor polled council.

Motion made by Mayor Pro Tem Childers to approve the amended Airport Zoning Ordinance, Seconded by Councilman Marceaux. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Folse, Councilman Marceaux, Councilwoman Sitz

4. **Resolution ~ A Resolution of the City Council of the City of Bay City, Texas ("City"), approving (I) the Resolution of the Board of Directors of Bay City Community Development Corporation ("Corporation") regarding a loan in the amount of \$ 3,190,660.65; (II) A sales tax remittance agreement between the City and the Corporation; (III) resolving other matters incident and related to the loan; and (IV) the authority of the Mayor to execute, on behalf of the City, a General Certificate of the City and the Sales Tax Remittance Agreement.** Jessica Russell, BCCDC Executive Director

Mayor Pro Tem Childers, Community Development Secretary of the Board, presented the resolution that the BCCDC has approve and the resolution consolidates two loans, current rate 2.38 to 1.98. Savings will be an estimated \$61,530, benefit of lowering effective rate. were for center energy and park lot.

Motion made by Councilwoman Sitz to approve the Resolution, Seconded by Councilman Folse.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

**5. Property ~ Discuss, consider, and/or approve surplus property of Police Department vehicles for auction and/or donation.** Robert Lister, Chief of Police

Robert Lister, Chief of Police, reviewed the 4 vehicles wanting to surplus and one vehicle to donate to Constable Schoppe, Precinct 1. The vehicle that will be donated is Unit 818.

Motion made by Councilwoman Sitz to approve to surplus four vehicles and donate one. Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

**6. Variance ~ Discuss, consider, and/or approve a variance to Chapter 98,100 building line requirement requirements at Meadowood S/D Phase 1, Lot 26, Block 2 (4512 Starling Dr.)** Angela Thomas, Fusion Development Inc

Tim Riggs, City Building Inspector, addressed the variance of 3 feet. Mr. Riggs stated that on November 19th he had to place a stop order on the forming of 3 houses because they did not have permits. On December 7th, the developer got a permit for 4506 and 4510, those have been framed. Mr. Riggs stated that now the developer wants a variance of the form already put in with out permit. Mr. Riggs stated that there is only a 9 foot gap between houses it should be 10 foot. Mr. Riggs added that the slab has not been poured but has been formed and needs 4 foot variance. Mayor Pro Tem Childers agreed with Mr. Riggs recommendation and not approve the variance.

Motion made by Mayor Pro Tem Childers to not approve the variance, Seconded by Councilman Marceaux. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

**7. Declaration ~ Discuss, consider, and/or approve an extension of the Declaration of Local State of Disaster.** Robert K. Nelson, Mayor

Mayor Nelson reviewed the declaration that extends the time frame to until the end of March, which allows the City access to funds from FEMA and TDEM.

Motion made by Councilman Marceaux to approve the declaration, Seconded by Councilman Folse.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

8. **Presentation ~ Discussion of waiver of Pilot Fees with Bay City Housing Authority.** La Wanda Davis, PHA Executive Director, and Bill Bell, Commissioner  
  
council went into executive session 6:23
  
9. **Financials ~ 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, 2012 through March 31, 2020, not to exceed \$82,793.**  
  
Discussion during executive session.

#### **CLOSED / EXECUTIVE SESSION**

10. **Pursuant to Texas Government Code Section 551.071, (1) for consultation with the City Attorney regarding the following: Cause No. 19-E-0013, Ronnie Dean Reeves, Vidala Leal Rodas, Danyal Sheniel Manning and the Bay City Housing Authority vs. Mark A. Bricker, Mayor, Defendant.**
  
11. **Pursuant to Texas Government Code 551.071(2) to consult with its attorney on attorney client matters.**
  
12. **Pursuant to Texas Government Code Section 551.072 to discuss the purchase, exchange, lease, or value of real property.**
  
13. **Pursuant to Texas Government Code Section 551.087, (1) to discuss commercial or financial information that BCCDC has received from a business prospect that BCCDC seeks to have locate, stay, or expand in Bay City and with which BCCDC is conducting economic development negotiations; and/or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).**
  
14. **Pursuant to the Texas Government Code Section 551.074 (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.**

#### **OPEN SESSION**

Council reconvened back in Regular session at 8:08 pm.

#### **Item #9**

Motion made by Mayor Pro Tem Childers to approve waiving the Bay City Housing Authority payment in lieu of taxes (Pilot Fees) for fiscal years ending March 31, 2012 through March 31, 2020, not to exceed \$82,793 and contingent on the Bay City Housing Authority filing a dismissal of lawsuit, Seconded by Councilman Marceaux. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

There was no action taken on items #10 through #14.

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

Councilman Folse stated that the "blackcat" mural done by Raleigh Conklin and Greg Chipwood looks awesome.

**ADJOURNMENT**

811

Motion made by Councilman Marceaux to adjourn, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried and council adjourned at 8:11 pm.

**PASSED AND APPROVED**, this \_\_\_\_ day of \_\_\_\_\_, 2021.

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

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JEANNA THOMPSON  
CITY SECRETARY