

# **CITY OF BAY CITY**

## **MINUTES • NOVEMBER 02, 2021**

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**COUNCIL  
CHAMBERS | 1901  
5th Street**

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**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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Bradley Westmoreland

### **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**

The Regular Council meeting was called to order by Mayor Robert K. Nelson at 6:04.

**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*

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

Mayor Robert K. Nelson  
Mayor Pro Tem Jason W. Childers  
Councilwoman Floyce Brown  
Councilman Jim Folse  
Councilwoman Becca Sitz  
Councilman Brad Westmoreland

**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.

*Councilman Bradley Westmoreland*

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

Susan Dancer, Blessing Animal Rescue, gave a history of the City Animal Impound. Ms. Dancer stated that the impound does not meet the needs of the community, it's small and under staffed. Ms. Dancer added that she wanted to put the issue on Council's radar.

**APPROVAL OF MINUTES****1. City Council Regular Meeting minutes of October 26, 2021**

Motion made by Councilman Westmoreland to approve the minutes with Councilwoman Sitz's correction to add her statement on item number 5 of \$27,405 spent and local artist could have filled the need, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

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

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- 2. Lease ~ Discuss, consider, and/or approve entering into a lease agreement at 2001 5th Street with Taylor Brothers Funeral Home for a period of one year.**

Shawna Burkhart, City Manager, stated that the city was approached by Taylor Brothers Funeral Home about leasing the house on 2001 5th Street for business and embalming. The funeral home is needing space due to their recent loss from fire. Tim Riggs, Building Official, stated that the house did not meet the requirements due to the pier and beam foundation and lack of sealed room for embalming. Mayor Nelson asked that if it was purchased, could it be used? Mr. Riggs stated that it would take a lot of work but the garage is on a slab. Mayor Pro Tem Childers stated that he would like to see the City get rid of property. Anne Marie Odefey, City Attorney, replied that there is three ways to do this; vetted, bids, public auction. Council took no action.

- 3. Contract ~ Discuss, consider, and/or review a one-year contract extension between the City of Bay City, Texas and EPIC Aviation, LLC, pursuant to the terms of the original agreement executed January 1, 2015.**

James Mason, Airport Manager, presented the contract to extend additional year with Epic. Mr. Mason added that next year we will have to bid out again.

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

- 4. Property ~ Review and discussion of proposed location and remodeling costs of Public Safety Services and provide direction of project.**

Robert Lister, Chief of Police, asked for direction from Council regarding the new Public Safety facility now that the Fire Department does not want to move. Shawna Burkhart added that BCCDC is now leasing the previous proposed building to remodel. Ms. Burkhart added that we now need to locate a new location. Ms. Burkhart asked if we want to go with same architect that El Campo used and that the \$200,000 set aside for assessing the BCCDC building is available if Council would like to move forward. Councilwoman expressed concerns regarding traffic and pedestrian safety in the location near Linnie Roberts that Chief Lister has been interested in. Ms. Burkhart asked if Council would like to vet some other parcels. Mayor Pro Tem Childers asked about the old Stanley's store plaza. Chief Lister replied that the buildings would have to be demolished, parking lot repaved and the possibility of asbestos. Councilwoman Brown made a motion to look at other parcels. Mayor Pro Tem Childers stated that this would be good to discuss in workshop.

- 5. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending the City Code of Ordinances relating Section of Chapter 110 Article V, "Bicycles and Play**

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**Vehicles", creating a new Section 110-213 "Use of Motor Assisted Scooters"; providing an effective date.**

Robert Lister, Chief of Police, presented the Scooter Ordinance with changes made. Councilwoman Sitz disagreed with the after dark restrictions.

Motion made by Councilwoman Brown to approve the Scooter Ordinance, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilman Westmoreland Voting Nay: Councilwoman Sitz. Council was polled and the motion carried.

**6. Easement ~ Discuss, consider, and/or approve an easement agreement with Dunn Heat Exchangers and commit to an improved roadway to well site.**

Anne Marie Odefey, City Attorney, corrected the agenda wording from Easement to Special Warranty Deed. Ms. Odefey reviewed the deed which is property needed for the North Water Plant. Council discussed the options regarding type of roadway improvement. Ms. Odefey added that there is no exchange of money and that Dunn has not reviewed and that he may want to tweak.

Motion made by Councilwoman Brown to approve the Special Warranty Deed agreement with Dunn Heat Exchangers, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**7. Tourism ~ Discuss and provide staff direction regarding recently approve branding and logo.**

Shawna Burkhart, City Manager, stated that they have a tourism sign to be permanently etched with the new logo, but if new logo is an issue then we can for go that. Mayor Pro Tem Childers stated that he did not want a permanent etching and would like feed back from the community. Councilman Westmoreland agreed.

**8. Appointment ~ Discuss, consider, and/or approve the appointment of TIRZ #1 Chairman of the Board.**

Motion made by Councilwoman Brown to appoint Julie Estlinbaum as TIRZ #1 Board Chair and Ken Pollack as alternative, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**9. Appointment ~ Discuss, consider, and/or approve the appointment of TIRZ #2 Chairman of the Board.**

Motion made by Councilwoman Brown to appoint Julie Estlinbaum as TIRZ #2 Board Chair and Ken Pollack as alternative, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

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**CLOSED / EXECUTIVE SESSION**

Council adjourned and convened into Executive Session at 7:06 pm.

- 10. Executive Session - To discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (To discuss appointment, employment, evaluation, responsibilities, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee) Roles and Responsibilities of Mayor, Council Members, and City Manager.**

**OPEN SESSION**

Council reconvened into Regular meeting at 8:08 pm and there were no items to take action on in closed session.

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

Councilman Folse stated that as Councilwoman Sitz has brought up before, we need the street cleaner out due to debris on streets washing down into drainage. Mayor Nelson replied that Oscar is training people and it will take awhile.

Councilwoman Sitz gave a shout out to Shawna Burkhardt, City Manager, and Shawn Blackburn, Parks Director, for the clean slate at the sign for Le Tulle Park. She would like to see a few shrubs.

Councilwoman Brown commended Animal Control for their work and response to a call.

Councilman Folse asked when Council will be given tour of City facilities and Shawna Burkhardt replied that they will be given a date and time this week.

Shawna Burkhardt informed Council of workshops scheduled for November 16th on water leaks and the natatorium.

**ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and the meeting adjourned at 8:15 pm.

**PASSED AND APPROVED**, this 16th day of November 2021.

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

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JEANNA THOMPSON  
CITY SECRETARY