

CITY OF BAY CITY
MINUTES • NOVEMBER 14, 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 6:00 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."*

Mayor Pro Tem Blayne Finlay

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.

Mayor Pro Tem Blayne Finlay

APPROVAL OF AGENDA

Motion made by Councilman Folse to approve the agenda with Items from Council moved up to under Acknowledgements from City Manager, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

PUBLIC COMMENTS

Terri Rafter, Chaparral Drive, stated that she believes the law is being broken by having swine. Anne Marie Odefey, City Attorney, responded as to next steps City will need to do as result of new legislation. Bill Morris, Chaparral Drive, also spoke about swine in vicinity to his property.

ACKNOWLEDGEMENT FROM CITY MANAGER

There were no acknowledgements from the City Manager.

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

Councilman Folse requested a report from Parks & Recreation regarding Youth Organizations to ensure equality.

Councilman Folse also addressed pig farm and stated he is against but waiting on attorney. Councilwoman Sitz stated that she is against a pig farm. Councilman Flores stated that he had asked for any complaints against his cows and there were none. Councilman Westmoreland stated that he is completely opposed to pigs in the city. Mayor Pro Tem Finlay stated that he is also opposed to pigs but added that Councilman Flores is a good councilmember and asked that we get good legal and professional advice before moving forward.

Councilman Westmoreland ask if there were any updates on the railroad tracks and the Mayor responded that there were not. Mayor Pro Tem Finlay stated that the ditch at Norvell and Sparks is overgrown with trash and not draining. Councilman Flores asked to address 35/Nichols regarding trucks turning and Shawna Burkhart replied that she believes that is a TxDOT issue.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. **Accounts Payable, Direct Payable and Utility Refunds for July, August and September 2023.**
2. **Consider and/or approve invoices recommended by the TIRZ #1 Board to pay out of TIRZ #1 Funds.**
3. **Consider and/or approve invoices recommended by the TIRZ #2 Board to pay out of TIRZ #2 Funds.**
4. **City Council Regular meeting minutes of October 31, 2023.**

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

5. **Municipal Court 3rd Quarter and Fiscal Year End Report.**

Katy Plunkett, Court Administrator, presented 3rd Quarter and Fiscal Year end statistics for Municipal Court. Ms. Plunket stated that they will be changing Court Technology software November 30th.

6. **Library Quarterly Report and Updates.**

Samantha Denbow, Library Director, presented the quarterly reports for the Library to include volunteer hours. Ms. Denbow added that they are a host site for WorkSource and teen participation has increased.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

7. **Planning ~ Discuss, consider, and/or approve a recreation program in conjunction with Bay City Gas Company.** Kevin Hecht, Bay City Gas Co. & Shawna Burkhart, City Manager

Kevin Hecht, Bay City Gas Co., presented the proposal of a BMX Bike Park, adding that he can get the Gas board trustees are on board. Anne Marie Odefey, City Attorney, suggested an interlocal agreement with the Gas Company.

Motion made by Councilwoman Sitz to approve a recreation program in conjunction with Bay City Gas Company, Seconded by Councilman Folsie. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

8. **Ordinance ~ Discuss, consider, and/or approve and Ordinance regulating the use of Golf Carts, Neighborhood Vehicles, and other types of recreational Off-Highway Vehicles by adding a new Article VII to Chapter 110 of the City of Bay City Code of Ordinances; Providing for codification; fixing a penalty for failure to comply with such ordinance; repealing any conflicting ordinances; and setting an effective date.** Councilman Benjamin Flores

Motion made by Councilman Flores to approve and Ordinance regulating the use of Golf Carts, Neighborhood Vehicles, and other types of recreational Off-Highway Vehicles, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Voting Nay: Mayor Nelson. Motion carried.

9. **Bid ~ Discuss and consider the selection of the best value proposer, LEM Construction, using Competitive Sealed Proposals process for the North and East Water Treatment Plant Project under the Texas Water Development Board Funding for the Drinking Water SRF Projects under the Texas Water Development Board funding and begin the negotiation process to include value engineering to reduce costs to the City so that project would be economically feasible.** Herb Blomquist, Public Works Director

Motion made by Mayor Pro Tem Finlay to approve selection of the best value proposer, LEM Construction and begin the negotiation process to include value engineering to reduce costs to the City, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 10. Grants ~ Discuss, consider, and or approve various equipment to be funded by the American Rescue Plan Funds and authorize staff to proceed with procurement.** Krystal Mason, Assistant Public Works Director

Motion made by Councilman Westmoreland to approve various equipment to be funded by the American Rescue Plan Funds , Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 11. TIRZ ~ Discuss and/or approve agreement between City of Bay City and Vista Planning and Design (landscape architect) for landscaping in TIRZ #1 green space as recommended by TIRZ #1 Board and to be reimbursed with TIRZ #1 funds.** Scotty Jones, Assistant City Manager

Motion made by Councilman Flores to approve agreement between City of Bay City and Vista Planning and Design (landscape architect) for landscaping in TIRZ #1 green space, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 12. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024A (CWSRF) in connection with the receipt of financial assistance from the Texas Water Development Board through the Clean Water State Revolving Fund, and approving other matters incidental thereto.** Scotty Jones, Assistant City Manager

Motion made by Mayor Nelson to approve a Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024A (CWSRF), Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 13. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024B (DWSRF) in connection with the receipt of financial assistance from the Texas Water Development Board through the Drinking Water State Revolving Fund, and approving other matters incidental thereto.** Scotty Jones, Assistant City Manager

Motion made by Councilwoman Sitz to approve a Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024B (DWSRF), Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion

carried.

- 14. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024C (DWSRF) in connection with the receipt of financial assistance from the Texas Water Development Board through the Drinking Water State Revolving Fund for Arsenic Mitigation Projects, and approving other matters incidental thereto.** Scotty Jones, Assistant City Manager

Motion made by Mayor Pro Tem Finlay to approve a Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024C (DWSRF), Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 15. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024D (DWSRF) in connection with the receipt of financial assistance from the Texas Water Development Board through the Drinking Water State Revolving Fund for Arsenic Mitigation Projects, and approving other matters incidental thereto.** Scotty Jones, Assistant City Manager

Motion made by Councilman Flores to approve a Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024D (DWSRF), Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 16. Report ~ Discuss, consider, and/or approve the City's Quarterly Investment Report for the quarter ending September 30, 2023.** Scotty Jones, Assistant City Manager

Motion made by Councilman Folse to approve the City's Quarterly Investment Report for the quarter ending September 30, 2023, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 17. Resolution ~ Discuss, consider, and/or adopt a Resolution restricting all oversized/overweight vehicles from the roadways near any schools during the hours of 7:00 a.m. and 8:30 a.m.**

Motion made by Councilwoman Sitz to adopt a Resolution restricting all oversized/overweight vehicles, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned and went into Executive Session at 7:40 p.m.

- 18. Executive Session pursuant to the Texas Government Code Section 551.087 to discuss economic development negotiations.**
- 19. Executive Session pursuant to Section 551.071 of the Texas Government Code (Consultation with Counsel on Legal Matters)**

RECONVENE AND ACTION

Council reconvened at 8:58 p.m. and took no action on Item #18.

Councilman Jim Folse made a motion on Item #19 to authorize an expenditure up to \$10,000 to hire a consultant to address the concerns from citizens so the City can pursue actions as supported per the report. Second by Councilman Brad Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Councilman Flores abstained. Motion carried.

ADJOURNMENT

Motion made by Councilman Westmoreland to adjourn, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried and the meeting adjourned at 9:00 p.m.

PASSED AND APPROVED, this 12th day of December 2023.

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

JEANNA THOMPSON
CITY SECRETARY