

**CITY OF BAY CITY**  
MINUTES • APRIL 25, 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.

**PRESENT**

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

**ABSENT**

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."*

*Councilwoman Becca Sitz*

**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.*

*Councilwoman Becca Sitz*

**APPROVAL OF AGENDA**

Motion made by Mayor Pro Tem Folse to approve the agenda moving item #14 to after item #9, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**PUBLIC COMMENTS**

Dorcus Kleinhans stated that she appreciated the work Council does. Ms. Kleinhans added that we can't compete with big cities, and we need help with Riverside Park to be self-sufficient. Ms. Kleinhans gave suggestions to aid the park.

Ben Flores addressed his candidacy for council position.

**ACKNOWLEDGEMENT FROM CITY MANAGER**

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**1. Recognition of Samantha Denbow for earning the designation of Certified Public Library Administrator**

Samantha Denbow was recognized for earning her Certified Public Library Administrator certification. Ms. Denbow was one of 124 graduates.

**2. Award ~ Government Finance Officer's Association (GFOA) Distinguished Budget Presentation Award.**

The Finance Department was recognized as being awarded the highest form of recognition in governmental budgeting of the GFOA Distinguished Budget Presentation Award.

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

Mayor Pro Tem Folse stated that the Challenger Opening ceremonies were well attended and similarly as was the crisis center "light up the square". Mayor Pro Tem Folse also stated that Hamman Road was closed to being finished.

Councilman Westmoreland thanked the Crisis Center for the event that was eye opening and thanked the Challenger group.

Councilwoman Sitz stated that there is a construction company working on a landmark building on the square and that there is another planned, adding that the permitting experience was agreeable. Councilwoman requested that the street sweeper run up and down highway 35.

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

**3. Regular Council Meeting minutes of February 28, 2023.**

Item to be brought back for council approval due to wrong date of minutes on agenda.

**4. Accounts Payable, Direct Payable and Utility Refunds for January, February, and March 2023**

**5. Ratifying adjusted utility fees.**

Motion made by Councilwoman Brown to approve item number 4 and 5 of consent items, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**DEPARTMENT REPORTS**

**6. Municipal Court 1st Fiscal Quarter update and 2023 Municipal Traffic Safety Award - Katy Plunkett, Court Administrator**

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Katy Plunkett, Court Administrator, presented Municipal Court 1st Fiscal Quarter stats and the 2023 Municipal Traffic Safety Award. Anne Marie Odefey, City Attorney, thanked the Municipal Court for helping Palacios put their court back together.

**7. Library Quarterly Report and Updates.** Samantha Denbow, Library Director

Samantha Denbow, Library Director, presented both the 1st and 2nd quarter stats and activities of the Library.

**8. Tourism Manager's Quarterly Report.** P. Darve Smith, Tourism Manager

Darve Smith, Tourism Manager, presented the quarterly report regarding Tourism. Mr. Smith stated that the digital sign is in production now and they will be removing the old sign in two weeks. Mr. Smith discussed a citizen app being reviewed, more traffic on social media, billboard changes, and the 2023 Day of the Dead event.

**9. Public Works Reports and Updates.** Krystal Mason, Interim Assistant Public Works Director

Krystal Mason, Interim Assistant Public Works Director, presented work order stats and project updates regarding Public Works.

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

**10. Property ~ Discuss, consider, and/or approve Windstorm Insurance Policy renewal and take any action deemed necessary.** Scotty Jones, Finance Director

Motion made by Councilman Westmoreland to table until next meeting, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**11. Presentation ~ Discuss the Bay City Texas Theater Project and provide staff direction.**

Jessica Russell, Executive Director of Bay City Community Development, presented a proposal for the Bay City Community Development to take over the Texas Theater and office building development with a developer. Property will need to change hands and goal to revitalize and get back on tax roll. Ms. Russell added that the City is not putting in money. Councilwoman Brown asked if the City would be asked to participate in Tax Incentive after development and Ms. Russell answered no. Mayor Pro Tem Folse stated that he did not see anything in the immediate future to do anything with the building so he didn't see why not. Anne Marie Odefey, City Attorney, stated that there are two ways to divest ourselves; appraise and buy at market value or list it with a realtor for 30 days. Ms. Russell gave another option of turning over the property to BCCDC but Ms. Odefey stated that she does not see that in the statute. Councilman Westmoreland asked if anybody will have the opportunity to give a proposal and Ms. Russell stated yes through an RFP and written agreement. Councilwoman Sitz stated that she loves the public/private partnership.

**12. Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement on Special Law Enforcement Services.** Christella Rodriguez, Chief of Police

Motion made by Mayor Pro Tem Folse to approve the interlocal agreement. Second by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**13. Bid ~ Discuss, consider, and/or award the selection for professional engineering, design services, including construction administration to Civil PE's LLC for aviation projects listed in the RFQ funded by the City of Bay City, TxDot Aviation, and the Federal Aviation Administration, with funding administered by the City of Bay City, or TxDOT Aviation and/or the Federal Aviation Administration.** James Mason, Airport Manager

Motion made by Councilman Westmoreland to approve the award to Civil PE's, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**14. Report ~ Discuss, consider, and/or approve the City's Quarterly Financial and Investment Report for the quarter ending March 31, 2023.** Scotty Jones, Finance Director

Motion made by Councilwoman Brown to approve the City's Quarterly Financial and Investment Report, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**15. Discussion ~ Review and discuss the proposed schedule of budget calendar.**

Scotty Jones, Finance Director, presented the budget calendar and reviewed dates of workshops, stating that some workshops take longer and have moved to better dates. Ms. Jones also reviewed events that take place in regards to the budget. Scotty Jones reviewed the schedule and the council had no conflicts.

**16. Ordinance ~ An Ordinance amending Chapter 2 of the Code of Ordinances of the City of Bay City, Texas by amending Article II (City Council), Division 2 "Meetings and Rules of Order" and providing an effective date.** Jeanna Thompson, City Secretary

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

**17. Report ~ Discuss TCEQ Order received regarding arsenic.**

Shawna Burkhart, City Manager, stated on April 12th the TCEQ Order passed and we have 3 years to resolve. Garver Engineering was directed to do the well sighting.

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**18. Budget ~ Discuss, consider, and/or approve funding towards repairs of streets located at 4th and LeTulle, Tepeyac Avenue, and Tepeyac side roads.**

Shawna Burkhart, City Manager, stated that there is \$250,000 that was set aside and is available to fund repairs to streets located at 4th and LeTulle, Tepeyac Avenue, and Tepeyac side streets in San Jose addition. Crews will learn chip sealing from Matagorda Concrete who will be chip setting small section on 4th. City has all the equipment to do chip sealing and then crew will go to San Jose addition to chip seal in house. Estimate cost of \$50,000 which will leave \$200,000 to consider paying up to 30% engineering services for Nile Valley Phase #2. Only 2 more years for IJJA funds and we need to tap into that source.

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

**19. Discuss ordinance changes in relation to Drainage District #1.**

Shawna Burkhart, City Manager, currently the city is working with Anne Marie and the Drainage District to get Maddox plans approved. Mayor Pro Tem Folse stated that the drainage ordinance is redundant since dictated by State and if not dictated by State why are we tying ourselves to it. Anne Marie Odefey, City Attorney, replied that Chapter 98 developer obligated to get approval from district. Ms. Odefey also added that Chapter 46-21 of the Flood prevention ordinance says the city has a program in connection with the drainage district. Mayor Pro Tem Folse stated that he doesn't see the need to codify in our ordinance and would like removed or modified. Ms. Odefey replied that we can certainly do that and the city will go ahead and approve our plats, adding that the city be well advise to be very cognizant on what they are going to implement on what they are going to be their rules. Ms. Odefey recommended to get a local engineer who is familiar with the area to review. Shawna Burkhart directed to bring an amended ordinance back to council.

**CLOSED / EXECUTIVE SESSION**

Council adjourned into an executive session at 8:24 pm.

**20. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**

**21. Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).**

**RECONVENE AND ACTION**

Council reconvened back into regular session at 9:32 pm and took no action on items #20 and #21.

**ADJOURNMENT**

Motion made by Councilwoman Brown, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and council adjourned at 9:32 pm.

**PASSED AND APPROVED**, this 27th day of June 2023.

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

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JEANNA THOMPSON  
CITY SECRETARY