

CITY OF BAY CITY

MINUTES • SEPTEMBER 16, 2021

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting - RESCHEDULED

6:00 PM

**1901 5TH STREET
BAY CITY TX, 77414**



Mayor

Robert K. Nelson

Councilman

Jim Folse

Mayor Pro Tem

Jason W. Childers

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

***Bay City is committed to developing and enhancing the long-term prosperity,
sustainability, and health of the community.***

CALL TO ORDER

The meeting was called to order by Mayor Robert K. Nelson 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."*

Councilwoman Becca Sitz

CERTIFICATION OF QUORUM**PRESENT**

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

ABSENT

Councilman Brad Westmoreland, excused

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.

Councilwoman Becca Sitz

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff places the item on an agenda for a subsequent meeting.

David Torrez, 1616 Cottonwood, was concerned about sidewalk maintenance and roads.

APPROVAL OF MINUTES

No minutes to approve.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

No consent items.

PUBLIC HEARINGS

1. **Public Hearing ~ Pursuant to Texas Local Government Code, Section 370.002, The City of Bay City, Texas shall conduct a Public Hearing to review the Ordinance Codified in Division 2 of Article II of Chapter 66 of the Code of Ordinances and receive public comment on the City of Bay City's Curfew Ordinance.** Robert Lister, Chief of Police

Robert Lister, Chief of Police, addressed council regarding 2nd public hearing. Mayor asked for public comments on the ordinance. David Torres asked what the ordinance was about. Chief Lister summarized the curfew ordinance.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

2. **Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City continuing without amendments the Juvenile Curfew Ordinance as codified in the City of Bay City Code of Ordinances, Division 2 of Article II of Chapter 66.**

Robert Lister, chief of Police, introduced the resolution to continue the curfew ordinance.

Motion made by Mayor Pro Tem Childers to approve the resolution continuing without amendments to the Juvenile Curfew Ordinance, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

3. **Budget ~ Discuss, consider, and/or approve the Bay City Community Development Corporation's Budget for Fiscal Year 2022.**

Motion made by Councilwoman Brown to approve the Bay City Community Development Corporation's Budget for Fiscal Year 2022, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

4. **Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City, Texas adopting the City of Bay City Five Year Capital Improvement Program.**

Motion made by Councilwoman Sitz to approve the City of Bay City Five Year Capital Improvement Program, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor

Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

5. Budget ~ Discuss, consider, and/or approve an amendment to the Fiscal Year 2022 Proposed Budget.

Motion made by Councilwoman Brown to approve an amendment to the fiscal Year 2022 Proposed Budget, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

6. Ordinance ~ An Ordinance adopting an Operating Budget for the City of Bay City, Texas for Fiscal Year 2022 and all designated, specified, noted, and indicated levies, rates, reserves, revenue provisions, and planned expenditure inherent, expressed, and included therein; providing for a cumulative clause: providing for severability: and providing for an effective date.

Motion made by Councilwoman Sitz to approve the Ordinance adopting an operating budget for the City of Bay City, Seconded by Mayor Pro Tem Childers. Mayor Nelson polled Council.

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

7. Budget ~ Consider, and/or approve a motion to ratify the Property Tax increase reflected in the Budget for the City of Bay City Fiscal Year 2022.

Motion made by Mayor Pro Tem Childers to approve a motion to ratify the property tax increase, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

8. Ordinance ~ An Ordinance adopting the Tax Rate of \$0.63500 per \$100.00 of assessed valuation for the City of Bay City, Texas, for the purpose of paying the current expenses of the City for the Fiscal Year ending September 30, 2022, levying a maintenance and operations rate of \$0.47137 and for the further purpose of creating a sinking fund to retire the principal and interest of the bond indebtedness of the City, levying a debt service rate of \$0.16363; providing for alien on all real and personal property to secure payment of taxes due thereon; providing a severability clause herewith; and providing for an effective date.

Motion made by Councilman Jim Folse to approve the ordinance that the property tax rate be increased by the adoption of a tax rate of \$0.6350, which is effectively a 3.99 percent increase in the tax rate, Seconded by Mayor Pro Tem Childers. Mayor Nelson polled the Council.

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

9. Presentation ~ Discussion and update on proposed development with Bold Fox.

Mitch Thames, Bay City Chamber of Commerce and Agriculture, commended the City for having a contract to remove debris. Mr. Thames stated that he was here to introduce a development proposal, as requested by TIRZ #2 Board. Mr. Thames said that Bold Fox Development does a theme development, with wet retention and ponds. Mr. Thames presented that the 50 acres that will be the first of many projects that could be proposed. Development is 189 to 200 homes in the \$180,000 to \$240,000 price range, 1400 to 1600 square foot homes. Bold Fox Development wants to be second to draw money from TIRZ, behind BCCDC, who is still owed for parking lot. There are multiple ideas, but the 50 acre single family and the regional detention park is the focus. Shawna Burkhart, City Manager, added that what has been discussed is if and when Bold Fox property is annexed, it is done at the same time as the Milberger property.

10. Agreement ~ Discuss, consider, and/or approve an extension for the current development agreement between SAL Holdings LLC and the TIRZ #1 regarding Phase II.

Scotty Jones, Finance Director, addressed the development agreement extension that the TIRZ #1 Board has approved.

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

11. Report ~ Review residential usage of the HHW Solutions.

Krystal Mason, Code Compliance Officer, gave the update on the House Hold Waste collection. Ms. Mason stated that we still do not have a large number of participants. There has been six tons of house hold waste diverted from the landfill. Ms. Mason believes many still use the county annual house hold waste collection which will be this October 9th. Council discussed ways of advertising. Mayor Pro Tem Childers asked when contract expired and Ms. Krystal replied February 2022. Mayor Pro Tem Childers stated that we are not seeing the user buy in to offset costs.

CLOSED / EXECUTIVE SESSION

Council adjourned into an Executive Session at 7:03pm.

12. Executive Session 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.

**13. Executive Session pursuant to Texas Government Code Section 551.087
(Deliberation regarding Economic Development).**

OPEN SESSION

Council reconvened back into Regular Session at 8:23 pm. Council took no action on agenda items #12 and #13.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilman Folse announce that Zeinab Ghais is doing wings around town for photos and he thanked the Mayor for attending the soccer opening ceremony. Council thanked the linemen out restoring power and the Mayor Nelson gave a summary of the restoration.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn the meeting, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried and the meeting was adjourned at 8:27 pm.

PASSED AND APPROVED, this 28th day of September 2021.

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

JEANNA THOMPSON
CITY SECRETARY