

# **CITY OF BAY CITY**

## **MINUTES • NOVEMBER 16, 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 Pro Tem Jason Childers 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**

Quorum present.

**PRESENT**

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

**ABSENT**

Mayor Robert K. Nelson

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

There were no public comments.

## **PROCLAMATIONS**

1. **Proclamation ~ Proclamation honoring Tom Stanley and declaring that the road formally known as T-Hanger Access Road be renamed to T. Stanley Drive.**

Mayor Pro Tem Jason Childers read the proclamation honoring Tom Stanley and declaring that T-Hanger Access Road be renamed to T. Stanley Drive. The proclamation was presented to the family of Tom Stanley.

2. **Senate Resolution No. 27 ~ A Resolution Number 27 from the Senate of the State of Texas in memory of Brent Paul Marceaux.**

Mayor Pro Tem Jason Childers read the State Senate Resolution honoring the late Councilman Brent Marceaux. The resolution was presented to the family of Brent Marceaux.

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

Motion made by Councilman Westmoreland to approve the consent items with changes to items 7, 8, and 9 of the minutes of the Regular Council meeting of November 2, 2021, Seconded by Councilman Folse.

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

3. **City Council Regular Meeting minutes of November 2, 2021.**
4. **Accounts Payable, Direct Payable and Utility Refunds for July, August, and September 2021.**

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

5. **Public Hearing ~ City Council of Bay City, Texas to consider the advisability of the amendment of Reinvestment Zone Number Two (2), Bay City, Texas for Tax Increment Financing Purposes pursuant to Chapter 311, Texas Tax Code and proposed expanded boundaries.**

David Pettit summarize the the proposed amendment to zone #2. Shawna Burkhart, City Manager, added that on November 30th Council will have a closed session to discuss the development agreement. Anne Marie Odefey, City Attorney, added that this land will be annexed.

The Public Hearing was open for public comment at 6:29 pm.

Alex Kamkar, Bold Fox Development, stated that the idea has been in discussion for over year and same thing that coming up was housing. Mr. Kamkar added that he has brought others that see the same thing that the city has good bones and will help to get those that grew up here to come back to affordable housing.

Councilman Folse asked Mr. Kamkar when do they expect to break ground - Mr Kamkar responded 15 to 18 months. Councilman Westmoreland asked if it will be suppliers be from Bay City and Mr. Kamkar stated yes. All utilities city provided.

The Public Hearing was closed at 6:40 pm.

6. **Ordinance ~ An Ordinance of the City Council of Bay City, Texas, amending Ordinance No. 1557 concerning Tax Increment Reinvestment Zone Two (TIRZ #2), Bay City, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by expanding the boundary of Tax Increment Financing Reinvestment Zone Two, Bay City, Texas.**

David Pettit, DPED, summarized the ordinance needed to expand the boundaries.

Motion made by Councilman Folse to approve the the Ordinance amending Ordinance 1557 concerning TIRZ #2, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

7. **Presentation ~ Presentation of Amistad Community Park Splashpad selected to receive Special Recognition fro H-GAC Parks and Natural Areas Awards in the Planning category.** Shawn Blackburn, Parks & Rec Director

Shawn Blackburn, Parks & Rec Director, stated that he was notified by email from H-GAC that the new splash pad had received the recognition award and will receive the award February 11th.

8. **Award ~Baler awarded to Recycling Center from H-GAC.** Barry Calhoun, Public Works Director

Alyssa Dibbern, City Engineer Tech, stated that the Recycling Center were awarded \$83,000 fully funded baler from H-GAC.

9. **Ordinance ~ Discuss, consider, and/or approve an Ordinance amending the City Code of Ordinances relating sections of Chapter 38, Article V "Noise" including Section 38.171 "Unreasonable Noise Prohibited and Section 38.173 "Tests and Standards for Noises"; providing an effective date.** Robert Lister, Chief of Police

Robert Lister, Chief of Police, presented the ordinance. Councilwoman Sitz aske if this was enforceable? Chief Lister stated that is was and the decibel meters were in.

Motion made by Councilman Westmoreland to approve the ordinance with corrections to typed dB to read eighty, Seconded by Councilwoman Brown. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**10. Ordinance ~ Discuss, consider, and/or approve an Ordinance of the City of Bay City, Texas, regarding the parking of compact cars.** Alyssa Dibbern, Engineering Tech

Alyssa Dibbern, Engineering Tech, addressed the council and stated that she has reached out to TxDOT and there is not definition or guidelines for compact parking. Councilwoman Sitz asked about the dimensions 'stripping' was meant to be 'striping'.

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

**11. Resolution ~ Resolution of Bay City, Texas, committing the City to provide local matching funds to secure and complete applications for the Hazard Mitigation Assistance (HMA) program.** Alyssa Dibbern, City Engineer Tech.

Motion made by Councilwoman Brown to table the item until December 7th, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**12. Resolution ~ A Resolution authorizing the submission of multiple hazard mitigation assistance (HMA) grant applications, appointing the Mayor as the Chief executive officer and authorized representative to act in all matters in connection with the FEMA Mitigation Grants.** Alyssa Dibbern, City Engineer Tech

Motion made by Councilwoman Brown to table the item until December 7th, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**13. Report ~ Street & Bridges assessment report.** Oscar Garcia, Assistant Public Works Director

Oscar Garcia, Assistant Public Works Director, presented his findings and impressions regarding streets and sidewalks. Mr. Garcia stated that they have cleaned up areas along 35 and 60. Other areas they are focusing on is potholes and will by saw cut. Mr. Garcia added that downtown has trip hazards and ADA compliance issues. Mr. Garcia reviewed personnel and equipment needs. Mayor Pro Tem Jason asked if we outsource personnel and asked about leasing or renting for immediate needs.

Councilman Westmorland asked about equipment capital funds that might be reallocate.

- 14. Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City, Texas, authorizing Professional Service Provider(s) selection for American Rescue Plan Act (ARP Act) program(s).** Scotty Jones, Finance Director

Scotty Jones, Finance Director, presented the resolution authorizing PSP for the ARP. the administrative services will guide and connect the dots.

Motion made by Councilman Westmoreland approve the resolution selecting GrantWorks to provide professional services, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 15. Report ~ Discuss, consider, and/or approve the City's Quarterly Investment Report for the quarter ending September 30, 2021.** Scotty Jones, Finance Director

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

## **CLOSED / EXECUTIVE SESSION**

Council did not convene into an Executive Session.

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

## **OPEN SESSION**

Discuss, consider and/or take action on item(s) listed in Executive/Closed Session, (if any).

- 17. Agreement ~ Discuss, consider, and/or approve a Developer Agreement with Crescent Capital Investments, LLC for the Russell Ranch Development.** Jessica Russell, BCCDC Director

Council did not discuss and will bring at a later date as advised by City Manager.

- 18. Resolution ~ discuss, consider, and/or approve a Resolution creating the Russell Ranch Public Improvement District.** Jessica Russell, BCCDC Director

Council did not discuss and will bring at a later date as advised by City Manager.

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

Councilman Folse requested updates on Hamman drainage and soccer lighting at Hardeman Park. Shawn Burkhart responded that the Hamman drainage was being bidded and will be on 12/7 meeting.

Councilwoman Sitz gave "kudos" to city employees helped at the Day of the Dead event.

### **ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and Council adjourned at 7:35 pm.

**PASSED AND APPROVED**, this 7th day of December 2021.

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ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

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JEANNA THOMPSON

CITY SECRETARY