

CITY OF BAY CITY

MINUTES • APRIL 27, 2021

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting

6:00 PM

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



Mayor

Robert K. Nelson

Councilman

Jim Folse

Mayor Pro Tem

Jason W. Childers

Councilman

Brent P. Marceaux

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

Mayor Robert K. Nelson called the meeting to order 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**

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

ABSENT

Councilman Brent P. Marceaux

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

PUBLIC COMMENTS

David Torrez, 1616 cottonwood, stated that Council had promised to citizens to take care of all concrete roads that were cut up, challenges council to get fixed. Mr. Torrez also stated that asphalt streets are in bad shape, seems big projects are the only important to Council.

APPROVAL OF MINUTES

1. **Minutes of Public Hearing on April 13, 2021**
2. **Minutes of Regular Council meeting on April 13, 2021**

Motion made by Councilwoman Sitz to approve the minutes of both the Public Hearing on April 13th, 2021 and the Regular Council meeting on April 13th, 2021, Seconded by Councilwoman Brown.

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

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

3. Ratification of a Resolution of the City of Bay City applying for a Crime Victim and Liaison Grant with the Office of the Attorney General, Crime Victim Services Division.

Christella Rodriguez, Captain of BCPD, introduced the resolution for CVL grant position.

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

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

4. Discussions ~ Economic Action Committee financials.

Christy Pustejovsky, EAC Director, addressed council regarding the building they rent from the City. Ms. Pustejovsky overviewed services EAC provides the community. Ms. Pustejovsky reviewed the numerous repairs needed to the building and asking the City to help fix the building.

Shawna Burkhart, City Manager, estimates cost in the \$77,000 range, city staff would like to appropriate \$44,000 this budget and the remainder after September when more money can be allocated to the remaining repairs.

One option is to donate the property to EAC then they could get grant funding, but they still immediate funds to fix restrooms. Ms. Burkhart asked council to give staff direction to allocate a budget amendment to fix restrooms. Councilwoman Sitz and Councilman Folse asked that the allocation be put on next agenda.

5. Ordinance ~ discuss, consider, and/or approve an Ordinance amending the City Code of Ordinances Chapter 46 Flood; Division 2 ("Administration"); Providing for a cumulative and conflict clause, providing for a severability clause; and providing for an effective date. Alyssa Dibbern, Engineering Tech

Motion made by Mayor Pro Tem Childers to approve the Ordinance amending the City Code of Ordinances Chapter 46 Flood, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse,

Councilwoman Sitz. Motion carried.

- 6. Agreement ~ Discuss and take action to approve the Grant Agreement for Flood Infrastructure Fund between the Texas Water Development Board and the City of Bay City, Matagorda County, Texas; TWDB Commitment no, G1001242, TWDB Project No. 40055, TWDB Resolution No. 21-006.** Alyssa Dibbern, Engineering Tech

Alyssa Dibber, Engineering Tech, introduced the agreement, explaining that this was the reimbursment to the drainage study.

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

- 7. Report ~ Discuss, consider, and/or approve the City's Quarterly Financial and Investment Report for quarter ending March 31, 2021.**

Scotty Jones, Finance Director, reviewed the report and provided presentation summary.

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

- 8. Ordinance ~ Discuss, consider, and/or approve and Ordinance of the City of Bay City, Texas, adopting a "Budget Amendment #2" to the "Annual Budget of the City of Bay City, Texas, for the fiscal year 2021"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.**

Scotty Jones, Finance Director, reviewed the budget amendments needed.

Motion made by Councilwoman Brown to approve the Ordinance adopting a Budget Amendment #2, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

- 9. Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City, Texas and Harris County regarding use of Public Safety Communications Systems.**

Scotty Jones, Finance Director, presented the agreement regarding the Public Safety radio system used County wide. The agreement renews annually for 5 years and shared costs are billed to County agencies.

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

- 10. Resolution ~ Discuss, Consider, and/or approve the Resolution of Denial of AEP's application for approval of a distribution cost recovery factor.** Scott Jones, Finance Director

Motion made by Mayor Pro Tem Childers to approve the Resolution to deny AEP's application, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

- 11. Discussion ~ update on Nile Valley Road progress.**

Matt Beazeale, Project Engineer, gave an update on the Nile Valley Road progress. Mr. Beazeale stated that they were running a month a head of schedule, the geo grade has been done from 35 to bridge. They started today the prime coat and the approaches have been graded. Challenges on bridge was not installed or tied properly and approach slabs had sunk and they will modify design for distribution of weight.

- 12. Discussion ~ discuss downtown parking options along Highway 35 (7th Street).**

Shawna Burkhart, City Manager, reported that TXDOT will have a third party grind pavement and repaint parking lines. Barry Calhoun, Public Works Director, added that the contractor will be out Sunday to start work. Councilman Folse asked about highway 60 and 35 downtown parking? Mayor Nelson replied that there would be no changes to highway 60. Mayor Pro Tem Childers added that Council had talked about a red line, Mayor Nelson replied that TXDOT is looking into it.. Councilwoman stated that the parking downtown along highway 35 is a safety issue and Council should apply the parallel parking. Council discussed the parallel v angled parking. Councilwoman Sitz stated that Council needed to take initiative and stripe Avenue H for the additional parking. Ms. Burkhart stated that she will bring the matter to next meeting and give Council options. Mayor Pro Tem Childers recommended inviting the downtown businesses.

CLOSED / EXECUTIVE SESSION

Council adjourned in to an Executive session at 7:47 pm.

13. **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 employy, or to hear a complaint or charge against an officer or employee: City Manager.**
14. **Pursuant to Texas Government Code 551.071(2) to consult with its attorney regarding legal representation in gas dispute.**

OPEN SESSION

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

Council reconvened into a Regular session at 8:45 pm. Council took no action on Item #13.

Mayor Pro Tem Childers moved to approve the Bay City Gas Company to engage the Law Offices of Hoover Slovackek LLP for action regarding the Bay City Gas Company. Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Mayor Nelson stated that he has been in touch with Rail Road and TXDOT regarding the tracks by McDonalds and they are putting a plan together and there other tracks that need attention.

ADJOURNMENT

Councilwomen Sitz made a motion to adjourn. Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried and the meeting adjourned at 8:52 pm.

PASSED AND APPROVED, this ____ day of _____, 2021.

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

JEANNA THOMPSON
CITY SECRETARY