

CITY OF BAY CITY
MINUTES • FEBRUARY 13, 2024

**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 Flores to approve the agenda, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

PUBLIC COMMENTS

Dayton Leisner presented development proposal and stated that he requesting to purchase an easement to the Riverside Road.

Martha Brown, 91 year old resident, cited her achievements and is disappointed in the town.

ITEMS, COMMENTS, AND/OR ACKNOWLEDGEMENTS FROM CITY MANAGER

Scotty Jones, Interim City Manager, recognized the Police Department Promotions and that they received "at-a-boy" from the District Attorney. Ms. Jones recognized the Library for an achievement award and Public Works on receiving a \$650,000 Storm Water grant. Ms. Jones thanked the Directors for getting her up to speed.

ITEMS / COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS

Mayor Nelson stated the the railroad crossing will be under repair on 7th by McDonalds on Friday the 16th through Monday. There will be detour signs out. Councilman Folse wished a Happy Valentines and Mardis Gras, adding that the Police Department Banquet is Friday. Councilwoman Sitz requested Public Works assess the need to re-stripe 6th street and Nichols; adding that she spotted the street sweeper on Highway 60. Councilman Flores apologized to Councilman Westmoreland.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

Motion made by Councilwoman Sitz to approve the consent items with correction to BCCDC Lease address as 1112 7th St., Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

1. **Lease renewal between the City of Bay City and Bay City Community Development for property located at 1100 7th Street.**
2. **City Council Regular meeting minutes of January 9, 2024.**

DEPARTMENT REPORTS

3. **Receive the H-GAC Parks and Natural Areas Special Recognition Award for the Riverside Tree Giveaway.**

Kelly Penewitt, Park & Recreation Interim Director, presented the H-GAC award and introduced staff that assisted with the 2000 trees that were given away. Twelve hundred (1,200) trees were given to residents and the remaining 800 were planted in parks.

4. **Library 1st Quarter Report and Updates**

Samantha Denbow, Library Director, presented the quarterly report and statistics, noting that foot traffic had increased.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

5. **Property ~ Discuss, consider, and/or approve a declaration of unusable equipment and furniture as surplus and authorize Library Director to dispose of said equipment and furniture through use of online auction or other means.**
Samantha Denbow, Library Director

Motion made by Councilman Flores to approve the declaration of surplus, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

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6. **Resolution ~ Discuss, consider, and/or approve a Resolution authorizing the City of Bay City Community Development Corporation to enter into a performance agreement which provides economic incentives to 3D Efficiencies LLC, DBA Fit For Life for the expansion of Fit For Life in Bay City, Texas and providing incentives not to exceed a total amount of \$80,000.00 over the five year term of the agreement (First Reading).** Jessica Russell, BCCDC Executive Director

Motion made by Mayor Pro Tem Finlay to approve the first reading of the resolution authorizing BCCDC to enter into a performance agreement, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

7. **Report ~ Discuss, consider, and/or approve the Police Department Annual Report and Racial Profiling Report for 2023.** Christella Rodriguez, Chief of Police

Christella Rodriguez, Chief of Police, presented the annual report. Chief Rodriguez stated that one goal is that every officer receives Mental Health training. Councilman Westmoreland requested information regarding transport of Mental Health for the County.

8. **Resolution ~ Discuss, consider, and/or approve a Resolution authorizing a multiple use agreement between the City of Bay City and TxDOT authorizing Flock Safety to install automated License Plate Readers along TxDOT rights-of-way.** Lieutenant Clayton Ryman, Police Department

Anne Marie Odefey, City Attorney, presented the resolution that had a few changes from the previously approved.

Motion made by Councilman Folse to approve the resolution authorizing multiple use agreement with TxDOT, Seconded by Councilwoman Sitz.

Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Voting Nay: Councilman Flores. Motion carried.

9. **Property ~ Discuss, consider, and/or approve a declaration of unusable equipment and lights as surplus and authorize the Interim Director of Parks and Recreation to dispose of said equipment and lights through use of salvage or other means.** Kelly Penewitt, Interim Parks & Rec Director

Motion made by Mayor Pro Tem Finlay to approve a declaration of unusable equipment and lights as surplus, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

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- 10. Contract ~ Discuss, consider, and/or approve completing the lighting project at Hardeman Park Soccer Field by approving a change order to K.B. Electric and purchasing the materials directly through Musco.** Scotty Jones, Interim City Manager

Scotty Jones, Interim City Manager, presented and final step to close out project.

Motion made by Councilman Folse to approve completing the lighting project at Hardeman Park Soccer Field by approving a change order to K.B. Electric, Seconded by Mayor Pro Tem Finlay.

Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 11. Resolution ~ Discuss, consider, and/or approve a resolution of the City Council of the City of Bay City, Texas recognizing the appointment Tina Israel and the re-appointment of DC Dunham, Samantha Denbow, Bryan Prochnow, Craig Hlavinka, William Cornman, and James Folse to Board of Directors to Reinvestment Zone Number One (1), City of Bay City, Texas.** Scotty Jones, Interim City Manager

Motion made by Councilwoman Sitz to approve the resolution regarding TIRZ #1 Board appointments, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 12. Resolution ~ Discuss, consider, and/or approve a resolution of the City Council of the City of Bay City, Texas recognizing the appointment Tina Israel and the re-appointment of DC Dunham, Samantha Denbow, Bryan Prochnow, Craig Hlavinka, William Cornman, and James Folse to Board of Directors to Reinvestment Zone Number Two (2), City of Bay City, Texas.** Scotty Jones, Interim City Manager

Motion made by Mayor Pro Tem Finlay to approve the resolution regarding TIRZ #2 Board appointments, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 13. Appointment ~ Consider and/or approve the appointment of William Cornman as Chairman to the TIRZ #1 and TIRZ #2 Boards.** Mayor Robert K. Nelson

Motion made by Councilman Folse to approve the appointment of William Cornman to TIRZ #1 & TIRZ #2 Board Chairman, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

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- 14. Resolution ~ Discuss, consider, and/or approve a resolution of the City Council of the City of Bay City, Texas recognizing the appointment James Folsie, Samantha Denbow, County Commissioner E. "Bubba" Cook, County Commissioner Mike Estlinbaum and the re-appointment of DC Dunham, and Bryan Prochnow to Board of Directors to Reinvestment Zone Number Three (3), City of Bay City, Texas. Scotty Jones, Interim City Manager**

Motion made by Mayor Pro Tem Finlay to approve the resolution regarding TIRZ #3 Board appointments, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 15. Resolution ~ Discuss, consider, and/or approve a resolution of the City Council of the City of Bay City, Texas recognizing the re-appointment of James Folsie, Jessica Russell, Bryan Prochnow and Craig Hlavinka to Board of Directors to Reinvestment Zone Number Four (4), City of Bay City, Texas. Scotty Jones, Interim City Manager**

Motion made by Mayor Nelson to approve the resolution regarding TIRZ #4 Board appointments, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 16. Appointment ~ Consider and/or approve the appointment of James Folsie as Chairman to the TIRZ #3 and TIRZ #4 Boards. Mayor Robert K. Nelson**

Motion made by Councilman Flores to approve the appointment of James Folsie as TIRZ #3 & TIRZ #4 Board Chairman, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Westmoreland, Councilwoman Sitz. Voting Abstaining: Councilman Folsie. Motion carried.

- 17. Report ~ Discuss, consider, and/or approve the City's Quarterly Financial and Investment Report for quarter ending December 31, 2023. Scotty Jones, Interim City Manager**

Jennifer Leverett, Finance Manager, presented the quarterly financial and investment report.

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

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- 18. Ordinance ~ Discuss, consider, and/or approve an ordinance of the City Council of the City of Bay City, Texas, amending Chapter 2 or the City's Code of Ordinances to change the meeting date and time providing for a cumulative & conflict clause; providing for severability and the repeal of conflicting ordinances; and providing an effective date.** Anne Marie Odefey, City Attorney

Motion made by Councilwoman Sitz to approve the ordinance to change the meeting date and time, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Voting Nay: Councilman Flores. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned and went into executive session at 7:11 p.m.

- 19. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
- 20. Executive Session pursuant to the Texas Government Code Section 551.087 to discuss economic development negotiations.**
- 21. Executive Session pursuant to Section 551.071(1) of the Texas Government Code (Consultation with Counsel on Legal Matters)**
- 22. Personnel ~ Closed meeting to discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (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**

RECONVENE AND ACTION

Council reconvened into a regular session at 9:36 p.m.

Councilman Jim Folse motioned to accept the Theater Proposal and authorize the City Manager to proceed with a 380 agreement. Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

Councilwoman Becca Sitz motioned to recognize Scotty Jones as Interim City Manager and provide a car allowance of \$600 and an 8% supplement pay. Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

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

Scotty Jones reminded Council of Parks & Rec events. Councilman Westmoreland thanked Jeanna Thompson and Christina Lopez for assistance with technology for Teams attendance. Anne Marie Odefey stated she may join by Teams when her schedule conflicts with others.

ADJOURNMENT

Motion made by Councilwoman Sitz to adjourn, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried and Council adjourned at 9:40 p.m.

PASSED AND APPROVED, this 9th day of April 2024.

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY