

CITY OF BAY CITY
MINUTES • JANUARY 23, 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 6:01 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."*

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 Finlay 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

There were no public comments.

ACKNOWLEDGEMENT FROM CITY MANAGER

There were no items from Shawna Burkhart, City Manager.

ITEMS / COMMENTS FROM THE MAYOR & COUNCIL MEMBERS

Mayor Pro Tem Finlay commented on the huge success of the Chicken Fried Steak Dinner held by the Crisis Center. Mayor Pro Tem Finlay acknowledged and thanked Eric Frankson for his services to the City of Bay City and reminded everyone of the Camo Fest downtown this weekend from noon to six.

Councilman Folsie asked to discuss employee handbook on an upcoming agenda to discuss employee not having backup for positions making them not able to take vacation.

Councilman Westmoreland thanked public works for clearing drains this weekend and asked if we have assistance directing traffic on the 7th street railroad crossing. Chief Rodriguez replied that there will be flagmen and that they have made preparations. Councilman Westmoreland thanked the Police Department for their fast response to an alarm at his house, though it turned out to be a false alarm.

Mayor Pro Tem Finlay stated that a concerned resident reached out requesting more patrols in the Norvel Subdivision and asked to have Police increase security in that area.

Councilman Flores stated that he had opportunity to attend H-GAC conference and will share recap at next meeting.

Councilwoman Sitz thanked the street and bridge department for the enhancements at 6th and railroad and the Fire Department for rescuing Bobby Head from a height after his bucket truck quit when cutting down trees.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

Motion made by Councilman Westmoreland to approve the consent items, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 1. City Council Regular meeting minutes of December 19, 2023.**

DEPARTMENT REPORTS

- 2. Presentation ~ Public Works report and presentation.** Krystal Mason, Assistant Public Works Director

Krystal Mason, Assistant Public Works Director, presented the Public Works report and statistics. Ms. Mason thanked Council for getting them the equipment needed. Ms. Mason stated that one well had issues with a sensor icing up during the freeze. Councilman Westmoreland asked if we put actual number of fire hydrants that need repair or replaced. Ms. Mason stated that there are over 800 hydrants and no staffing to do all. Councilman Westmoreland requested more information and reminders. Shawna Burkhart, City Manager, added that cost of each hydrant is \$2,500 to \$5,000 and not all hydrants have valves.

Ms. Mason discussed the major sewer rehab done in Del Norte Subdivision and that the map showed one thing but it was completely different when they got there. A clay main pipe bust an entire easement with a cost of \$130,000 to repair and the second one was roughly \$70,000. Ms. Burkhart added that this was about half the budget.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 3. Agreement ~ Discuss, consider, and/or approve an Agreement for Services with Terracon for Materials Services for the Wastewater Treatment Plant Rehabilitation Project.** Herb Blomquist, Public Works Director

Krystal Mason, Assistant Public Works Director, presented the agreement.

Motion made by Councilman Westmoreland to approve an agreement with Terracon for materials services for the wastewater treatment plant rehabilitation project, Seconded by Mayor Nelson. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

- 4. Grant ~ Discuss, consider, and/or approve City of Bay City authorization to issue requests for proposals for administrative services (RFP) and requests for qualifications (RFQ) for the 2024 Texas Community Development Block Grant Program, Downtown Revitalization Program administered by the Texas Department of Agriculture.**

Gabriel Lopez, Engineering Tech, presented the grant opportunity seeking authorization. There is a deadline of May and intend to pick up where we left off with sidewalk improvements.

Motion made by Councilwoman Sitz to approve authorization to issue requests for proposals for administrative services and requests for qualifications for the 2024 TCDB Grant Program, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carries.

- 5. Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City, Texas submitting the "MDT Update Project" (mobile data terminals) grant application under the Office of the Governor Public Safety Office.**

Lt. Chris Hadash, Police Department, presented the resolution to apply for a grant for mobile data terminals.

Motion made by Councilman Folse to approve a resolution submitting the "MDT Update Project" grant application, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

6. Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City, Texas submitting the "Body Worn Camera Update Project" grant application under the Office of the Governor Public Safety Office.

Lt. Chris Hadash, Police Department, presented stating that the grant will assist in replacing ageing equipment.

Motion made by Councilman Flores to approve a resolution to submit a grant application for body worn cameras, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carries.

7. Contract ~ Discuss, consider, and/or approve an Engineering Contract for the Quiet Zone.

Shawna Burkhart, City Manager, stated that CDC would cover anything over the budget and will vote on it the 29th. Councilman Folse stated he would consider doing the full scope.

Councilwoman Sitz motion to approve \$78,500 for the engineering contract, seconded by Councilman Westmoreland.

Mayor Nelson stated that it was something that will only get engineering until a certain point and Council continued to discuss. Scotty Jones recommended doing a Request for Qualifications. Mayor Nelson added that there will be ongoing annual maintenance.

Motion made by Councilwoman Sitz to approve an Engineering Contract for the Quiet Zone, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

8. Proposal~ Discuss, consider, and/or approve a proposal from CRG Texas Environmental Services for site inspection and limited water and surface soil sample analysis.

Anne Marie Odefey, City Attorney, stated that Council had approved up to \$10,000 for report for right to farm act but the quote came in from consultant at \$15,526 so we had to bring it back to approve the proposal or cannot move forward with this. Reached out to consultant and he put together best proposal for new law, "limited phase 2" and until we see test results won't know if favorable to city or farmer.

Motion made by Councilman Folse to approve the proposal from CRG Texas Environmental Services, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Folse, Councilman Westmoreland,

Councilwoman Sitz. Abstain: Councilman Flores. Motion carried.

9. **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

Anne Marie Odefey, City Attorney, presented the ordinance changing the meeting dated in March, November and December.

Motion made by Councilman Westmoreland to approve the ordinance amending Chapter 2, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie. Motion carried.

10. **Administration ~ Discuss, consider, and/or approve Council members pay for Regular Meetings.** Councilman Ben Flores
11. **Administration ~ Discuss, consider, and/or approve Council members dismissal due to absences.** Councilman Ben Flores

Item #10 and Item #11 were discussed by Council together. Councilman Ben Flores stated that Council pay is \$300 per month before taxes and believes you should be present. Anne Marie Odefey, City Attorney, stated that compensation is not based on attendance. Scotty Jones, Assistant City Manager, added that a fixed amount was a simpler process and they had surveyed various cities. Mayor Pro Tem Finlay stated that there are community things they do. Councilman Westmoreland stated he gives away his pay to the community and he travels for a living for work, Anne Marie Odefey, City Attorney, stated that compensation to be discussed during budget and a council member would have to miss 3 meetings in a row. Councilman Ben Flores asked if council members have to have permission to miss a meeting and Anne Marie replied that this could be a quarterly item on agenda - to vote on excused/not excused, etc - council determines - done in other entities, not an issue here so we haven't done it.

CLOSED / EXECUTIVE SESSION

Council adjourned into an executive session at 7:14 p.m.

12. **Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
13. **Executive Session pursuant to Section 551.076(1) of the Texas Government Code (Deliberation regarding security devices): Police Department**

- 14. Executive Session pursuant to the Texas Government Code Section 551.087 to discuss economic development negotiations.**
- 15. Executive Session pursuant to Section 551.071(1) of the Texas Government Code (Consultation with Counsel on Legal Matters)**
- 16. 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 9:13 p.m.

On item 12, Motion made by Councilman Folsie to proceed forward as discussed, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

On Item 14, Motion made by Councilman Westmoreland that the easement to riverside park road be denied brad, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

On item 16, Motion made by Councilman Westmoreland to accept the mutual separation and severance agreement, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

Anne Marie Odefey, City Attorney, stated that she will email the press a press release regarding the mutual agreement to separate her employment with city.

Motion made by Councilman Folsie to appoint the Assistant City Manager to Interim City Manager, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

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

No items or comments.

ADJOURNMENT

Motion made by Councilwoman Sitz to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Councilwoman Sitz. Motion carried and council adjourned at 9:17 p.m.

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

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY