

# CITY OF BAY CITY

## MINUTES • OCTOBER 12, 2021

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**COUNCIL  
CHAMBERS | 1901  
5th Street**

**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 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 Floyce Brown*

**CERTIFICATION OF QUORUM**

Quorum present

**PRESENT**

Mayor Robert K. Nelson  
Councilwoman Floyce Brown  
Councilman Jim Folse  
Councilwoman Becca Sitz  
Councilman Brad Westmoreland

**ABSENT**

Mayor Pro Tem Jason W. Childers

**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 Floyce Brown

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

There were no public comments.

**APPROVAL OF MINUTES**

1. **Minutes of Regular Council meeting held on August 24, 2021**
2. **Minutes of Regular Council meeting held on September 28, 2021**

Motion made by Councilwoman Brown to approve the minutes with corrections, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

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

There were no consent items.

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

**3. Policy ~ Discuss, consider, and/or approve the 2022 City Holiday Schedule.**

Rhonda Clegg, Director of Human Resources, presented the 2022 City Holiday Schedule, noting that an additional holiday, Juneteenth, has been added to the schedule.

Councilwoman Brown questioned the Christmas Eve holiday and was concerned regarding those on call. Councilman Westmoreland summarized other agency holidays and asked why the New Year holiday following on a Saturday is given on Monday. Shawna Burkhart replied that it is in policy.

Motion made by Councilwoman Brown to approve adding the Juneteenth holiday going forward and to approve the 2022 City Holiday Schedule, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**4. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending the City Code of Ordinances Chapter 100-; Article IV ("Stopping, Standing, Parking") providing compact parking guidelines; providing for a cumulative and conflicts clause, providing for a severability clause; and providing for an effective date.**

Anne Marie Odefey, City Attorney, stated she formatted the ordinance but Alyssa Dibbern provide the guts of the ordinance through research. Councilman Westmoreland asked if there will be larger spaces available. Councilwoman Sitzs stated that we need to look at our TxDOT agreement and have a committee to look at, adding that we have miscommunication on what kind of parking. Councilwoman Brown requested to postpone for a month. Mayor Nelson wants it to come back with more information.

Motion made by Councilwoman Brown to table the Ordinance until November 16th, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilwoman Sitz, Councilman Westmoreland. Voting Nay: Councilman Folse. Motion carried.

**5. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending the City Code of Ordinances relating Section of Chapter 110 Article V, "Bicycles and Play**

**Vehicles", creating a new Section 110-213 "Use of Motor Assisted Scooters"; providing an effective date.**

Robert Lister, Chief of Police, stated that they have numerous calls regarding the scooters and underage individuals riding. Councilman Westmoreland stated that the correct wattage is 1000 (not 10000). Council recommended to add exclusions such as wheelchairs.

Motion made by Councilwoman Brown to table the Ordinance until November 2nd, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**6. Personnel ~ Discuss, consider, and/or approve a Police Employee Referral and Mentor Policy.**

Robert Lister, Chief of Police, presented the referral program as way of recruiting new officers. Councilman Westmore thinks its a great idea but would like the memo to go to both the Chief and Human Resources. Ms. Odefey, city Attorney, stated that it is legal if its in policy before implementing. Councilman Folse recommended that the Chief is notified before prior to the application.

Motion made by Councilwoman Brown to approve the referral program with corrections, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**7. Personnel ~ Discuss, consider, and/or approve a request to restart the K-9 Division of the Bay City Police Department for the purpose of narcotics detection and rescue.**

Robert Lister, Chief of Police, discussed prior use of K-9. and would like to move forward but not use a dual purpose - not bite K-9's - just narcotics. Chief Lister stated that the department has ways to pay for the dog, equipment, handler and training. They have some private individuals that are willing to donate, and the department has seizure funds. Schools will have access to use of the K-9 Unit. Council discussed prior liability cases and insurance. Officer Hallman discussed the type dogs and socialization of the dog.

Motion made by Councilwoman Sitz motion to approve the K-9 Division subject to the determination that the insurance is not cost prohibitive, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**8. Tourism ~ Discuss and approve the new Tourism Logo and Branding.**

Item was tabled until November 2nd.

**9. Ordinance ~ Discuss possible alternatives to fees and facilities for non-profits requesting usage.**

Shawna Burkhart, City Manager, stated that she has not been able to come up with any scenario and asked if any Council member had ideas. Anne Marie Odefey, City Attorney, gave background on service center fees and why they were set that way. Ms. Burkhart stated that use of the Teen Center would need permission from the Lions Club and the Center would need some repairs. Ms. Burkhart also added that the Wellness Center was something to consider. Ms. Burkhart suggested decreasing rate but keep the deposit as is. Councilman Folse suggested doing an inspection before and after the schedule use. Ms. Burkhart requested two more weeks and she should have something. Councilman Westmoreland requested to see data on on Service Center income before new fees went into affect.

**10. Resolution ~ Discuss, consider, and/or approve a Resolution of the City Council of the City of Bay City, Texas, nominating a candidate for appointment to the Matagorda County Appraisal District Board of Directors for the term of January 1, 2022 through December 31, 2023.**

Motion made by Councilman Folse to approve the Resolution nominating Carolyn Thames as a candidate for appointment to the Matagorda County Appraisal District Board of Directors, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**11. Ordinance ~ Discuss, consider and approve the temporary rescheduling of Council meetings from the 2nd and 4th Tuesday to the 1st and 3rd Tuesday, for the months of November and December 2021.**

Motion made by Councilwoman Brown to approve the the temporary rescheduling of Council meetings from the 2nd and 4th Tuesday to the 1st and 3rd Tuesday, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**CLOSED / EXECUTIVE SESSION**

Council adjourned and went into an Executive Session at 7:16 pm.

**12. Personnel ~ 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 Annual Performance Review.**

**13. Litigation ~ Pursuant to Texas Government Code 551.071(2) to confer with counsel about legal matters.**

**OPEN SESSION**

Council reconvened into the Regular Session at 9:06 pm and took no action on items in the Executive Session.

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

Councilman Westmoreland stated that at 800 3rd Street was still leaking would like a workshop to discuss regarding water leaks and processes after the Christmas holidays.

Councilwoman Sitz stated that she wants to see street sweeping.

**ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and Council adjourned at 9:11 pm.

**PASSED AND APPROVED**, this 26h day of October, 2021.

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

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JEANNA THOMPSON  
CITY SECRETARY