

CITY OF BAY CITY
MINUTES • JULY 13, 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

Bradley Westmoreland

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**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 Becca Sitz

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

Davis Torrez, 1616 Cottonwood, congratulated new council member. Mr. Torrez stated that he disgusted by deplorable conditions of a subdivision and the chuck holes in road, but they are building houses back there. Mr. Torrez said it is a disgraced to the Mexicans residents that have been forgotten. He challenged Council to patch that road.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

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

1. **Meeting minutes of Council Capital Planning Workshop held on June 22, 2021**
2. **Accounts Payable, Direct Payables, & Utility Refunds for January, February, March, April, May, & June 2021.**
3. **TIRZ #1 Expenditures as recommended by the TIRZ Board**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

4. **Award ~ Acknowledging the actions of Randy Frontz, Marlon Swist, Patrick Cervantes, and Jose Deleon.**

Mayor Rober K. Nelson presented employees Randy Frontz, Marlon Swist, Patrick Cervantes, and Jose Deleon with "I See You" awards for their time and efforts restoring power to water plant.

5. **Budget ~ Discuss, Consider, and/or Approve Budget Amendments for the Bay City Community Development Corporation (BCCDC) as of June 30, 2021.**

Scotty Jones, Finance Director, presented the BCCDC budget amendment that was approve by the BCCDC Board on June 8th.

Motion made by Councilwoman Brown to approve the Budget Amendments for the Bay City Community Development Corporation, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

6. **Budget~ Discuss, Consider, and/or Approve an Ordinance Adopting Budget Amendments for the Quarter Ending June 30, 2021.**

Scotty Jones, Finance Director, presented the Budget Amendments for for the quarter ending June 30th. Compensation plan of \$1200 across board adjustment. Mayor Nelson polled Council votes.

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

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7. **Services ~ Discuss, Consider, and/or Approve Harrison, Waldrop, and Uherek L.L.P. to provide Audit Services for the City of Bay City for the Year Ending September 30, 2021.**

Motion made by Councilman Folse to approve Harrison, Waldrop, and Uherek LLP to provide audit services for the city, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

8. **Bid Award ~ Discuss, consider, and/or award the construction bid for the AMI Water Meter Replacement Project under the Texas Water Development Board Funding for the Drinking Water SRF Projects to Accurate Utility Supply and authorize the Mayor and/or City Manager to execute a contract approved to form by the City Attorney between the City of Bay City, Texas and Accurate Utility Supply.**

Louis Rodriguez, Assistant Public Works Director, presented the bids for meter replacement. The city is experiencing numerous issues with current meter and are replacing. Solicited bid for best component for the city. Dan Olson with Garver, stated that the bids are for highly specialized systems and some ways propriety so it was a competitive sealed bid process approved by the Texas Water Development Board. There were 4 proposals received and scored with two main criteria's: ultra sonic meter and cellular capabilities. Shawna Burkhart, City Manager, added that the city has been testing badger meters and will work well.

Mayor Nelson asked if the base bid total cost was for the meter, for labor, or both. Mr. Olsen replied both. Councilwoman asked about warranty and Mr. Olsen replied all have significant warranty and would have to get back with on specifics. Councilman Westmoreland asked about Aqua Metrics high pricing of monthly subscriptions and if that was an error. Mr. Olsen replied the followed up with them and they did not reply it was an error. Mr. Olsen was asked to verify. Shawna Burkhart asked how much was the performance bond, and Mr. Olsen replied he thinks 3 percent. Mayor Nelson asked about the monthly subscription and how long is that price in which Mr. Olsen stated that he believes it is set. Mayor Nelson asked for verification.

Motion made by Councilwoman Brown to table the item until next meeting, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried to table bid award.

9. **Contract ~ Discuss, consider, and/or approve Work Order No. 4 to the Standard Contract Agreement between the City of Bay City, Texas and Garver, LLC for Professional Engineering Services for the Bay City Wastewater Treatment Plant**

Improvements Project under the Texas Water Development Board Funding Clean Water SRF Projects. Barry Calhoun, Public Works Director

Barry Calhoun, Public Works Director, stated that this is an existing contract and this work order provides authorization to begin engineering design improvements. Shawna Burkhart asked if it included RPR and Anne Marie Odefey, City Attorney, stated that it is excluded.

Motion made by Councilwoman Sitz to approve Work Order No. 4 Contract Agreement with Garver, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

10. Contract ~ Discuss and receive Council direction regarding Nile Valley bid specification discrepancies. Barry Calhoun, Public Works Director

Barry Calhoun, Public Works Director, stated that there was a matter concerning the Nile Valley Road reconstruction between contractor Lester and the engineer Jones & Carter. It was discovered that there was a conflict between the bid documents and asking council assistance to resolve.

Matt Braezeale, Jones & Carter, explained the bid estimate was 1530 and actual was 1580, so he does not believe there was confusion with cubic yards, but failed to include toe walls, which caused an overage of \$116,000 costs. Mr. Braezeale added that the the contractor is running \$62000 under in cost.

Ken Lester, Lester Company President, and Randy Morris, stated that the job has been a success. Matt has given the details and numbers and they feel like the toe walls and beams should be paid by the cubic yard and not the square yard. Mr. Lester added that they are to be paid actual measured quantities and not the estimate.

Council went in closed executive session at 7:05 pm to consult with the City Attorney.

CLOSED / EXECUTIVE SESSION**11. Legal ~ Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).****OPEN SESSION**

Council reconvened at 7:25 pm.

Motion regarding Agenda Item 10 was made by Councilwoman Brown to pay contractor full amount, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Sitz would like to see a conversation with the Police Department about graffiti and if there is someone they know about and would like to see something done.

Councilwoman Sitz also stated that there is an ordinance regarding noise and focus on taking care of. Councilwoman Sitz stated that there is a gentleman who drives a lawnmower and wagon is traveling the middle of roads with out lights, he will get hit and something needs to happen.

Councilwoman Brown stated that she has been getting calls about high grass off Hamman and 60, Laurel and 60. She stated that people are complaining about the Roberts Street dip where they are working.

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 7:31 pm.

PASSED AND APPROVED, this 10th day of August, 2021.

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

JEANNA THOMPSON
CITY SECRETARY