

CITY OF BAY CITY
MINUTES • JANUARY 24, 2023

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting

6:00 PM

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



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

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 pm.

PRESENT

Mayor Robert K. Nelson
Councilwoman Floyce Brown
Mayor Pro Tem Jim Folse
Councilwoman Becca Sitz
Councilman Brad Westmoreland
Councilman Blayne Finlay

INVOCATION & PLEDGE

Texas State Flag Pledge: *"Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."*

Councilman Brad Westmoreland

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.

Councilman Brad Westmoreland

APPROVAL OF AGENDA

Mayor Nelson requested that item 15 be removed.

Motion made by Mayor Pro Tem Folse to approve the agenda with the removal of item 15, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

PUBLIC COMMENTS

Tina Israel, Main Street Manager, provided updates on Camofest and schedule of activities that will take place on Saturday.

ACKNOWLEDGEMENT FROM CITY MANAGER

There were no acknowledgements from the City Manager.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. **Easement ~ Discuss, consider, and approve and amendment to Easement Agreement dated July 9, 1993.**

Motion made by Councilwoman Brown to approve the consent item, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

DEPARTMENT REPORTS

2. **Public Works reports.**

Barry Calhoun, Public Works Director, provided work order stats stating that production was down due to the holidays. Mayor Nelson requested that the staff be aware that they're preparations before the winter freeze was appreciated. Mr. Calhoun gave updates on water and wastewater projects, mentioning that we were down to one out five blowers at the Waste Water Treatment Plant and that sand was the culprit at the Grace Street Plant.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

3. **Appointment ~ Discuss, consider, and/or approve the appointments of Lyn R. McCalister and Robert D. Howard to the Public Housing Authority Commission .**
Robert K. Nelson, Mayor

Motion made by Mayor Pro Tem Folse to approve Lyn McCalister and Robert Howard to the Public Housing Authority Commission, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and Mayor Nelson swore in new commissioners.

4. **Resolution ~ Discuss, consider, and/or approve a Resolution in support of the submission of an application to the 2023 competitive Housing Tax Credit (HTC) program through the Texas Department of Housing and Community Affairs (TDHCA) by Fieser Development, Inc., for the rehabilitation of Golden Manor Apartments.** Mark Meyer, Fieser Development

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

5. **Grant ~ Discuss and accept a donation of a Scanpro 3500 All-in-one Microfilm scanner valued at \$11,787.00 from the Bay City Library Association.** Samantha Denbow, Library Director

Motion made by Councilwoman Brown to accept the donation of the microfilm scanner, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

6. **Resolution ~ Discuss, consider, and/or approve a Resolution approving the submission of the "Project Justice" project grant application under the Criminal Justice Grant with the Office of the Governor, Criminal Justice Division.**

Christella Rodriguez, Chief of Police and Detective Sargent Chris Hadash presented the resolution as the final application for the grant.

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

7. **Ordinance ~ Discuss, consider, and/or approve an ordinance authorizing the issuance of the City of Bay City, Texas, Tax and Surplus Revenue Certificates of Obligation, Series 2023A (CWSRF); authorizing execution and delivery of a paying agent/registrar agreement and an escrow agreement relating to such certificates; prescribing the form and said certificates; levying a tax and pledging surplus revenues of the Water and Sewer System in payment thereof; and enacting other provisions relating thereto.** Barry Calhoun, Public Works Director

Motion made by Councilman Westmoreland to approve the Ordinance to issue Series 2023A, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

8. **Ordinance ~ Discuss, consider, and/or approve an ordinance authorizing the issuance of the City of Bay City, Texas, Tax and Surplus Revenue Certificates of Obligation, Series 2023B (DWSRF); authorizing execution and delivery of a paying agent/registrar agreement and an escrow agreement relating to such certificates; prescribing the form and said certificates; levying a tax and pledging surplus revenues of the Water and Sewer System in payment thereof; and enacting other provisions relating thereto.** Barry Calhoun, Public Works Director

Motion made by Councilwoman Sitz to approve the Ordinance to issue Series 2023B, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

9. **Budget ~ Discuss, Consider, and/or Approve Budget Amendments for the Bay City Community Development Corporation (BCCDC) for Fiscal Year End 2022.**
Jessica Russell, BCCDC Executive Director

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

10. **Agreement ~ Discuss, consider, and/or approve an agreement between the City of Bay City, Bay City Lions Club, Bay City Soccer Association, and Bay City Community Development Corporation for use of Hardeman Park Teen Center.**
Shawna Burkhart, City Manager

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

11. **Ordinance ~ Discuss, consider, and/or approve an Ordinance amending Section 998-123 of Chapter 98, Article III of the City Code of Ordinances, repealing conflicting ordinances, providing for publication, codification, enforcement, and savings, and providing an effective date.**

Barry Calhoun, Public Works Director, stated that a developer had requested to use HDP pipe that is not under the roadway, otherwise RCP is needed for load. Mr. Calhoun was in agreement with the change to the ordinance.

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

12. **Contract ~ Discuss, consider, and/or approve a contract with Matagorda County to administer the General Election for May 6, 2023.**

Jeanna Thompson, City Secretary, presented the contract providing the County Clerk to administer the election.

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

- 13. Ordinance ~ An Ordinance of the City Council of the City of Bay City, Texas, ordering a General Municipal Election to be held on the 6th day of May 2023; authorizing the Mayor, or designee, to enter into an agreement with Matagorda County to conduct the General Municipal Election on behalf of the City of Bay City; designating the places and manner holding the election; providing for the posting and publication of notice; providing a savings clause; providing an open meetings clause; and providing an effective date.** Jeanna Thompson, City Secretary

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

- 14. Contract ~ Discuss payments to Quiddity concerning Hammond Road Drainage Project.** Robert K. Nelson, Mayor

Mayor Nelson clarified the concerns regarding the Change Order agreement.

- 15. Utilities ~ Discussion regarding water billing issues.** Jim Folse, Mayor Pro Tem
Item deleted.

CLOSED / EXECUTIVE SESSION

Council adjourned to go into an executive session at 7:07 pm.

- 16. Legal ~ Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).**
- 17. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
- 18. 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 employee, or to hear a complaint or charge against an officer or employee: City Manager.**

RECONVENE AND ACTION

Council reconvened at 8:03 pm and took no action on items 16 thru 18.

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

Councilwoman Sitz commented on the sidewalk project and that it's looking good. Council discussed upcoming events. Councilman Finlay stated that he sat in on a Police Department review and was impressed with the dedication of officers.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and Council adjourned at 8:08 pm.

PASSED AND APPROVED, this 14th day of February 2023.

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

JEANNA THOMPSON
CITY SECRETARY