

**CITY OF BAY CITY**  
**MINUTES • NOVEMBER 15, 2022**

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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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Blayne Finlay

**Mayor Pro Tem**

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Jim Folse

**Councilman**

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Bradley Westmoreland

**Councilwoman**

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Becca Sitz

**Councilwoman**

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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.*

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**CALL TO ORDER AND CERTIFICATION OF QUORUM**

The meeting was called to order by Mayor Robert K. Nelson at 6:00 pm. A quorum was certified.

**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."*

*Mayor Pro Tem Jim Folse*

**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 Jim Folse*

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

Lillie Norris, Deputy City Secretary gave her comments regarding the city holiday schedule. Ben Flores, 2500 Hamman Road, appreciated the patience and guidance of the City Manager and City Secretary, adding an apology to the Animal Control Officer Grandstaff. Mr. Flores discussed a South Texas Drone Fest he is putting together and seeing if the Council is interested.

**ACKNOWLEDGEMENT FROM CITY MANAGER**

- 1. Recognition of staff and crews for their work on the AMI Meter Replacement Project**

Shawna Burkhart, City Manager, presented an "I See You Award" to employees for their work on the AMI Meter Replacement Project.

**2. Recognition of personnel for their planning, organization, and work on the Day of the Dead event.**

Shawna Burkhart, City Manager, recognized and applauded personnel for their work and great success organizing the Day of The Dead event.

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

**3. City Council Regular Meeting minutes of November 1, 2022.**

**4. Accounts Payable, Direct Payable and Utility Refunds for July, August, and September 2022**

Motion made by Councilwoman Brown to approve the consent items with correction to comments made by Councilwoman Sitz regarding making one bathroom available to public at the Municipal Service Building, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

**DEPARTMENT REPORTS**

**5. Police Department employee recognition.** Captain Rodriguez and Lt. Clayton Ryman

Captain Rodriguez and Lt. Clayton Ryman recognized Corporal Jose Soto for his life saving efforts that saved the life of an infant. Captain Rodriguez presented Cpl. Sota a Chief Challenger Coin.

**6. Tourism Manager's Quarterly Report.** P. Darve Smith, Tourism Manager

P. Darve Smith, Tourism Manager, presented council the Tourism quarterly report, stating that Day of The Dead had an attendance of 1500, the digital sign is in production and should be installed within 4 months.

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

**7. Presentation ~ Introduction to HIF's eFuels facility in Matagorda County.**

James Outtrim, Highly Innovated Fuels, made a presentation to council to introduce the company that is based in Chili and the products produced. The Matagorda facility will create 3000 construction jobs and 150 permanent jobs. Mr. Outtrim stated that construction will take 3 to 4 years. Councilman Westmoreland thanked HIF for choosing Matagorda County and asked about how they will transport their product. Mr. Outtrim replied pipeline to rail road, but they are still meshing out.

**8. Policy ~ Review and discuss employee survey results regarding City Holiday Schedule.**

Rhonda Clegg, Director of Human Resources, stated that they sent a survey to 148 employees and 100 of 118 employees chose to keep the current holiday format. Mayor Pro Tem Folse stated that the desire was to make it better and it sounds like it will not make it better. Councilman Westmoreland thanked the employees that responded, I thought that it was something they would may want but clearly not but I am glad to hear their voices.

**9. Policy ~ Discuss, consider, and/or approve the City Parks & Recreation Department Facility Use Policy and Agreement.**

Shawn Blackburn, Parks & Recreation Director, reviewed the City Parks & Recreation Department Facility Use Policy and Agreement and permit process stating that this will unify all programs into one permit process. In the past, city has leased and this has caused problems. Mr. Blackburn reviewed advantages of responsibilities, 501 status, and user tiers. Aquatic use is \$3000 per year, field use is \$1000 per year. Councilman Westmoreland asked if we've had conversations with current users regarding the fees. Shawna Burkhart stated they have had one meeting with the soccer league but have not met with Aquacats yet.

Motion made by Councilman Westmoreland to approve the City Parks & Recreation Department Facility Use Policy and Agreement, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

**10. Contract ~ Discuss, consider, and/or approve awarding the civil engineering contract for the Jet A Fuel System Improvements Project to Civil PE, LLC.**

James Mason, Airport Manager, presented the contract which is 100% funded by ARP.

Motion made by Councilwoman Brown to award the civil engineering contract to CivilPE for the Jet A Fuel System, 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. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue Certificates of Obligation in connection with the receipt of financial assistance from the Texas Water Development Board through the Clean Water State Revolving Fund, and approving other matters incidental thereto. Scotty Jones, Finance Director**

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

- 12. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue Certificates of Obligation in connection with the receipt of financial assistance from the Texas Water Development Board through the Drinking Water State Revolving Fund, and approving other matters incidental thereto.** Scotty Jones, Finance Director

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

- 13. Report ~ Discuss, consider, and/or approve the City's Quarterly Investment Report for the quarter ending September 30, 2022.** Scotty Jones, Finance Director

Motion made by Councilwoman Brown to approve the City's quarterly investment report, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 14. Agreement ~ Discuss, consider, and/or approve a Professional Service Agreement between David Pettit Development, LLC and the City of Bay City providing services relating to the creation of a Tax Increment Reinvestment Zone Number Five (TIRZ #5) .** Shawna Burkhart, City Manager and Jessica Russell, BCCDC

Jessica Russell, Executive Director of Bay City Community Development, stated that Maddox Developer needs certain paperwork for the bank to show the city is on board. Ms. Russell added that she recieved and email regarding another development by Bay Ridge. Councilwoman Brown stated that TIRZ #4 does not have roof tops yet and she is concerned about starting another TIRZ. Ms. Russell replied that TIRZ #4 hold up is in the Drainage District and a workshop schedule next Monday.

Motion made by Councilman Finlay to approve the agreement, Seconded by Councilwoman Sitz.

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

- 15. Discussion ~ Downtown parallel parking versus compact car parking.** Shawna Burkhart, City Manager

Councilwoman Sitz stated that per the TxDOT agreement regarding parking on highway 35 and 60 should be parallel. Block between 7th and 6th should be parallel and its compact. Councilwoman Brown stated tha we have an ordinance so why isn't it being enforced. Captain Rodriguez stated that they had provide flyers and in a week they will start issuing citations. Councilwoman Sitz would like to see the block between 7th and 6th highway 60 re-stripped as parallel.

**16. Discussion ~ Discuss pursuing Railroad Quiet Zone.** Councilman Jim Folse

Mayor Pro Tem Folse noticed that City of Angleton was doing a quiet zone and met with their engineer. Two railroads, east to west would not be that expensive as most of it is equipped; about 18 trains a day, but only 2 north to south but most intersections are not equipped and cost is about \$300,000 to \$325,00 per intersection, around \$4.5 million. Several industries are expected to increase railroad traffic on the north to south tracks, but also looking at moving the marshalling station outside of the city for that. If they move that out than we would be only looking at east to west traffic, about \$30,000 to include the engineers and could be paid for with ARP funding. Jessica Russell, Executive Director Bay City Community Development Commission, stated that she was excited to see this item on the agenda and that they are currently working on and excited to have another person involved. Ms. Russel also stated is easier to discuss with BSNF than Union Pacific, and advised to put together a letter a priorities, and they have focused on the time the train is sitting at an intersection as they feel this is a safety issue. Ms. Russell listed other items including in the letter and stated that they will be meeting with railroad on the 16th.

**CLOSED / EXECUTIVE SESSION**

Council adjourned to go into an executive session at 7:24 pm.

- 17. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
- 18. Executive Session pursuant to Section 551.071(2) of the Texas Government code (Consultation with Counsel on legal matters).**
- 19. Executive Session pursuant to 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: Chief of Police**

**RECONVENE AND ACTION**

Council reconvened at 8:10 pm and took no action on items #17 and #18.

Motion on item #19 made by Councilwoman Sitz to make job offer for Chief of Police, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion

carried.

**ITEMS / COMMENTS & FROM MAYOR, COUNCIL MEMBERS AND CITY MANAGER**

Councilman Westmoreland stated that due to council meeting changes he will not be at the next council meeting and would like a correct meeting calendar for 2023 at the beginning of the year instead of changing at the end of the year. Councilman Westmoreland also stated that he would like windstorm and arsenic updates with options on the agenda after the first of the year. Councilwoman Sitz replied that she would like us to do everything in our power not to spend 3 million dollars that's not ours. Mayor Pro Tem Folse stated that he will be attending two H-GAC meeting. Councilwoman Brown commended the mowing on south 60. Councilman Finlay stated he was concerned for public safety regarding the gentleman who drives the riding lawnmower and parking in roadway. Councilwomen Sitz commented that the investment report showed a good amount of money at IBC and asked why not Prosperity since the bid was awarded to them. Councilwoman Sitz also stated that she has been to the Drainage district meeting and directed a question to Barry Calhoun as to if we want to do our own. After thinking about is, Councilwoman Sitz thinks this council needs to address and explore. Councilman Westmoreland stated we should meet in a workshop to discuss. Councilwoman Sitz stated that there is grant people out there to do infrastructure and would like to revisit Patriot Strategies.

**ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn the meeting, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and Council adjourned at 8:22 pm.

**PASSED AND APPROVED**, this 20th day of December 2022.

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

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JEANNA THOMPSON  
CITY SECRETARY