

CITY OF BAY CITY
MINUTES • DECEMBER 06, 2022

**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 6:02 pm. A quorum was certified.

PRESENT

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

ABSENT

Councilman Brad Westmoreland

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

PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff places the item on an agenda for a subsequent meeting.

David Torrez, 1616 Cottonwood, made a complaint regarding compact parking as no one is complying and no one is enforcing. Mr. Torrez is concerned about the new water meters.

ACKNOWLEDGEMENT FROM CITY MANAGER**1. Recognition of Utility Billing staff for their work on the AMI Meter Replacement Project**

Shawna Burkhart, City Manager, acknowledged water billing department for their work with the AMI Meter Replacement Project.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**2. Appointment ~ Discuss, consider, and/or approve the appointment of Chief of Police**

Motion made by Mayor Pro Tem Folse to approve the appointment of Christella Rodriguez as the Chief of Police, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

3. Oath ~ Swearing in of Chief of Police.

Mayor Robert K. Nelson swore in Christella Rodriguez as Chief of Police.

4. Variance ~ Discuss, consider, and/or approve a reduction or waiver to the permit fee for Bay City Aquacats Swim Team.

Stephanie Wurtz, President of Bay City Aquacats Swim Team, presented the Aquacats request for variance to the new permit fee of \$3000 which was an unexpected increase from what they had been paying. Ms. Wurtz asked council to consider waiving the fee or reducing the fee. Ms. Wurtz also request 2 additional weeks to the year. Mayor Nelson asked that since some of the members are not city residents that Ms. Wurtz ask the County for assistance. Shawn Blackburn, Park & Recreation Director, stated that the fees were the amount that other cities charge.

Motion made by Councilwoman Brown to approve a variance to the fee of \$1500.00, pay in installments, and extending the term to the end of January, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

5. Property ~ Discuss, consider, and/or approve declaring Police Units as surplus and authorize staff to sale said surplus equipment through the use of an online auction. Sgt. Edward Guzman, Police Department

Motion made by Councilwoman Brown to approve declaring Police Units as surplus, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

- 6. Interlocal Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement for special law enforcement services between the City of Bay City and Fort Bend County Sheriff's office.** Sgt. Edward Guzman, Police Department

Motion made by Mayor Nelson to approve the Interlocal agreement with Fort Bend County Sheriff's Office, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

- 7. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending the City Code of Ordinances, Chapter 14 ("Animals"), Article I, Section 14-5 "Prohibited animals".**

Anne Marie Odefey, City Attorney, presented the ordinance to amend the Animal ordinance limiting number of pigs allowable.

Motion made by Councilwoman Brown to approve the Ordinance, Seconded by Councilwoman Sitz.

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

- 8. Policy ~ Discuss and take action to approve policy for Public Works Department to outsource drainage review of commercial projects to third party engineer and return to Council with ordinance to recoup costs of same.**

Motion made by Councilwoman Sitz to approve for Public Works Department to outsource drainage review of commercial projects to third party engineer and return to Council with ordinance to recoup costs of same, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

- 9. Resolution ~ Discuss, consider, and/or adopt a Resolution by the City Council of the City of Bay City, Texas requesting financial assistance from the Texas Water Development Board under eligible programs, including the Drinking Water State Revolving Fund.**

Barry Calhoun, Public Works Director, presented the resolution to request financial assistance for the water system, including arsenic removal. Councilwoman Sitz requested that we do everything in our power to explore all options before spending funds. Councilwoman Sitz requested that funding updates are on 2nd meeting each month. In addition, Councilwoman requested a meeting with subject experts to explore all scenarios and Mayor Nelson agreed. Council discussed the above ground water storage at Liberty and should we keep or decommission. Shawna Burkhart, City Manager, stated two things were imperative; anything over \$25,000 has to be engineered and anything we do on scrubbing will have to be approved by council.

Mayor Pro Tem Folse asked about the main water replacement and have we priorities what needs replaced lines and Mr. Calhoun said we will priorities and schedule. Councilwoman Sitz discussed the water rate study and how we are pushing rates higher than everyone else.

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

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

- 10. Resolution ~ Discuss, consider, and approve the selection of administration/project delivery service provider to Grantworks to complete the application and project implementation for the City of Bay City 2023-2024 Texas Community Development Block Grant program funded and administered through the Texas Department of Agriculture.** Gabriel Lopez, Engineering Tech

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

- 11. Resolution ~ Discuss, consider, and approve the selection of engineering/surveying service provider to Urban Engineering to complete project implementation for the City of Bay City's 2023-2024 Texas Community Development Block Grant funding administered by the Texas Department of Agriculture.** Gabriel Lopez, Engineering Tech

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 Finlay. Motion carried.

- 12. Resolution ~ Discuss, consider, and/or approve a Resolution authorizing the submission of the MIT-MOD application to the Texas General Land Office for the City of Bay City, Texas.** Gabriel Lopez, Engineer Tech

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

- 13. Plan ~ Discuss, consider, and/or approve the city of Bay City Citizen Participation Plan Texas General Land Office (GLO) Community Development Block Grant Mitigation Method of distribution (CDBG-MIT MOD) Program.** Gabriel Lopez, Engineer Tech

Motion made by Councilman Finlay to approve the Bay City Citizen Participation Plan, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion Carried.

14. Policy ~ Discuss, consider, and/or approve a Financial Policy and Procedures.
Scotty Jones, Finance Director

Councilwoman Sitz question the use of two banks.

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

15. Interlocal Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City, Matagorda County, Texas, Matagorda County Emergency Medical Services, County Hospital District, and Bay City Independent School District regarding use of the public safety communications system (infrastructure) owned by the City of Bay City.

Scotty Jones, Finance Director, reviewed the agreement and structure of billing, adding that it had been billed out by means of a "handshake agreement".

Motion made by Councilwoman Brown to approve the agreement, Seconded by Mayor Pro Tem Folse.

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

16. Agreement ~ Discuss, consider, and/or approve an amendment to the Development Financing Agreement between Reinvestment Zone Number One A (TIRZ #1A), City of Bay City, and Sal Holdings, LLC to include design standards.

Shawna Burkhart, City Manager, reviewed the supplement and design standards. Anne Marie Odefey added that the process was looking at others and coming up with standards. DC Dunham, Sal Holdings, asked that Council look at each subdivision differently.

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

17. Resolution ~ Discuss, consider and/or approve a resolution of the City Council of the City of Bay City, Texas recognizing the appointments to the Board of Directors of Reinvestment Zone Number Four (#4), City of Bay City. Shawna Burkhart, City Manager

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

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

Motion made by Councilwoman Sitz to table till the second meeting in January, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

- 19. Presentation ~ Review and discuss Council Meeting schedule for 2023.**

Jeanna Thompson, City Secretary, reviewed with Council the meeting schedule for 2023. Scheduled December 26th meeting to be re-scheduled to December 19th.

CLOSED / EXECUTIVE SESSION

Council adjourned to go into an executive session at 7:45 pm.

- 20. Executive Session pursuant to Section 551.071(2) of the Texas Government code (Consultation with Counsel on legal matters).**

RECONVENE AND ACTION

Council reconvened at 8:08 pm and took no action.

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

Councilman Finlay and Councilman Westmoreland will not be in attendance for the meeting on the 20th. Shawna Burkhart reminded Council of the City Christmas party this Friday the 9th. Councilwoman Sitz stated that the Christmas Parade was fun and she hopes to get a crew to clean dirt off highway 35.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried and the meeting adjourned at 8:15 pm.

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

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY