

CITY OF BAY CITY
MINUTES • FEBRUARY 14, 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."*

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

PUBLIC COMMENTS

David Torrez, 1616 Cottonwood, concerned that no employees are patching roads and there is no asphalt in yard. Mr. Torrez is also concerned regarding city's excuse for high water bills.

ACKNOWLEDGEMENT FROM CITY MANAGER**1. Parks and Natural Areas award from H-GAC**

Shawna Burkhart, City Manager, stated that the City Parks & Recreation Department was recognized H-GAC and received an award. Shawn Blackburn, Parks and Recreation Director, and Kelly Penewitt, Parks Supervisor, summarized the award for environmental

programs with Mr. Blackburn giving credit to Ms. Penewitt for organizing the events at Riverside. Ms. Penewitt reviewed many of the events held at Riverside Park.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

2. **Accounts Payable, Direct Payable and Utility Refunds for October, November, and December 2022**
3. **Council Workshop Meeting minutes of January 10, 2023.**
4. **Regular Council Meeting minutes of January 10, 2023.**
5. **Regular Council Meeting minutes of January 24, 2023.**

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

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

6. **Ordinance ~ Discuss, consider, and/or recommend approval of the Final Project and Financing Plan to the City Council.**

David Pettit, DPED, summarized the TIRZ program and the TIRZ #4 project and financing plan. Mr. Pettit stated that the TIRZ #4 Board recommended the plan. Mr. Pettit stated that the TIRZ has a Public Improvement District (PID) and that the TIRZ increments are used to offset the PID.

Motion made by Mayor Pro Tem Folse to approve the ordinance, Seconded by Councilwoman Sitz.

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

7. **Presentation ~ Discuss, consider, and/or approve CityByApp.**

P. Darve Smith, Tourism Manager, presented two types of applications, CityByApp and Visit Widget, for use by citizens and visitors. Mr. Darve provided comparisons and cost. Council preferred the Visit Widget and requested that it be submitted in the budget for consideration.

8. **Grant ~ Discuss, consider, and/or approve Bay City's authorization to issue request for proposals for Administrative Services (RFP) and request for qualification (RFQ) for the Transportation Alternatives-Set aside Program funded through the Texas Department of Transportation.**

Gabriel Lopez, Engineering Tech, presented and stated that the grant is to continue with the sidewalk and path projects and that these are alternative transportation

routes. The grant is an 80/20 match and if the City qualifies for transportation credits, those credits will cover the 20% of the City's share.

Motion made by Councilwoman Sitz to approve authorizing request for proposals and qualifications, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folsie, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

9. Discuss, consider, and/or approve a Resolution granting a Supplemental Easement and Right Away to AEP Texas Inc. Gabriel Lopez, Engineering Tech

Motion made by Councilwoman Sitz to approve a Resolution granting a Supplemental Easement and Right Away to AEP Texas Inc, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folsie, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

10. Report ~ Discuss, consider, and/or approve the City's Quarterly Financial and Investment Report for the quarter ending December 31, 2022. Scotty Jones, Finance Director

Motion made by Councilwoman Brown to approve the City's Quarterly Financial and Investment Report for the quarter ending December 31, 2022, Seconded by Mayor Pro Tem Folsie. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folsie, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

11. Bid ~ Discuss, consider, and award bid to Target Roofing for Armory Building Re-Roof project. Scotty Jones, Finance Director

Motion made by Councilman Westmoreland to award bid to Target Roofing for Armory Building Re-Roof project, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folsie, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

12. Procurement ~ Discuss and take any action to approve emergency procurement by City Manager for repair of Grace Water Plant well. Shawna Burkhart, City Manager

Motion made by Councilwoman Brown to approve emergency procurement by City Manager for repair of Grace Water Plant well, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folsie, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

13. Settlement ~ Consider and take action deemed necessary on Opioid Settlement Participation Agreements with Allergan, CVS, Walgreens and Walmart. Anne Marie Odefey, City Attorney

Motion made by Councilwoman Sitz to participate in the Opioid Settlement Participation Agreements with Allergan, CVS, Walgreens and Walmart, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned to go into an executive session at 7:26 pm.

- 14. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
- 15. Legal ~ Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).**

RECONVENE AND ACTION

Council reconvened at 8:35 pm.

Motion made by Mayor Pro Tem Folse to authorize the Mayor to approach the Drainage District 1 to delegate its permitting authority to approve drainage for Russell Ranch to the City of Bay City and authorize the Mayor to approve an agreement regarding the same and form approved by City Attorney, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL CONTINUED

- 16. Policy ~ Discuss, consider, and/or approve the re-acquisition of procedures, reviews, permitting and approval for drainage projects with the City of Bay City and ETJ.** Jessica Russell, Executive Director of Bay City Community Development Corporation

Item removed from the agenda.

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

Councilwoman Sitz thanked all for handling of water issue and asked that we look in to a Public Information Officer. Councilman Westmoreland stated he appreciated Ms. Burkhardt work and direct engagement on the matter and like the idea of a PIO and to look into channels to communicate. Ms. Burkhardt informed Council that the city used IBR, part of the Utility Billing software, to rescind the boil notice.

Councilwoman Brown requested that when the sign is up that the water department is closed, let them know that City Hall is open.

Mayor Pro Tem Folse wanted to call out the Palacios City Manager for assistance, stating that he and Councilwoman Sitz attended a Palacios City Council meeting to answer questions regarding TIRZ. Mayor Pro Tem Folse also added that he likes to see our sister cities working together.

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 8:41 pm.

PASSED AND APPROVED, this 28th day of February 2023.

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

JEANNA THOMPSON
CITY SECRETARY