

**CITY OF BAY CITY**  
MINUTES • MARCH 28, 2023

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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 6:05 pm and 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 with correction to dollar amount stated in item #10 being \$28,775,000.00, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

**PUBLIC COMMENTS**

Pam Waggoner, Director of Community Outreach, with Resound Network introduced her company that was awarded \$1,395,756 to deploy high-speed internet in Matagorda County. Resound Network is interested in leasing space on the city tower.

Dorcus Kleinhans, 1809 Willow, approached council regarding rumors she has heard about the future of Riverside Park. Ms. Kleinhans believes the park has been undeveloped and has great potential to make money. Ms. Kleinhans believes that the city council is making decisions that

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benefit themselves and their friends and family. Ms. Keinhans would like cabins at Riverside Park.

Ben Flores discussed his candidacy for council position.

David Torres is concerned about the streets and kids walking to school.

### **ACKNOWLEDGEMENT FROM CITY MANAGER**

Shawna Burkhart, City Manager, gave acknowledgement, honor, and respect to Barry Calhoun, Public Works Director, who is moving on to bigger and better things. Ms. Burkhart thanked Barry Calhoun for his 10 years of service.

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

- 1. Regular Council Meeting minutes of March 14, 2023.**
- 2. Council Workshop minutes of March 14, 2023.**

Motion to approve consent items with correction to Workshop changing Lynn to LEM by Councilwoman Sitz, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

### **DEPARTMENT REPORTS**

- 3. Records Management Report and Proclamation**

Jeanna Thompson, City Secretary and Records Manager, gave annual stats of records activity. Ms. Thompson introduced a Proclamation and Mayor Nelson presented the proclamation declaring April as Records and Information Management Month. City Record Liaison's were recognized for their work.

- 4. Public Works reports.**

Barry Calhoun, Public Works Director, provided stats on work orders and activities. Mr. Calhoun stated that Elliot Addition is taking longer than anticipated and that AT&T should have their lines moved by April 7th that has held up the United Rentals drainage project. Mr. Calhoun stated that TxDOT plans to replace bridges on Hamman Road, Avenue H and 8th Street. The patch truck has been ordered.

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

- 5. Audit ~ Discuss, consider, and/or approve the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ending September 30, 2022.** Scotty Jones, Finance Director

Melissa Terry, Harrison, Waldrop & Uherek, LLP, summarized the Annual Comprehensive Financial Report (ACFR) for the Fiscal Year ending September 30, 2022 and found no significant deficiencies or instances on noncompliance.

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

**6. Streets ~ Residents' presentation of street condition and request for Tepeyac street repairs.** Celeste Rojas and Residents

Celeste Rojas, 314 Santa Maria Street, addressed Council regarding the condition of Tepeyac Road. Ms. Rojas produced a receipt for suspension repairs due to what she believed was caused by the poor condition of the road. Ms. Rojas stated that she has called the city multiple times and asked why their road has not been repaired in over 10 years. Additional residents of the same neighborhood spoke regarding the condition of the road, with one stating that the road has not been fixed in 20 years and never re-capped. Residents requested council to repair their road.

**7. Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City applying for a Crime Victim and Liaison Grant with the Office of the Attorney General, Crime Victim Services Division.**

Leticia Ramos, Crime Victim Liaison with the Bay City Police Department, that this is the eighth year applying with the Attorney General and fourteenth year acting as the liaison. Ms. Ramos reviewed the resolution and what the grant provides.

Motion made by Councilwoman Sitz to approve the resolution to apply for a Crime Victim and Liaison grant, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

**8. Discuss, consider, and/or approve the appointment of Patty McKelvy to the Planning Commission.** Robert K. Nelson, Mayor

Motion made by Councilwoman Brown to approve the appointment of Patty McKelvy to the Planning Commission, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

**9. Resolution ~ A Resolution of the City of Bay City naming the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing funds for specified improvements totaling \$200,000.00 and for the administration of contracts necessary for the Bay City Regional Airport.** James Mason, Airport Manager

Motion made by Councilwoman Sitz to approve a resolution of the City of Bay City naming the Texas Department of Transportation as its agent, 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 award the construction bid for the Wastewater Treatment Plant Rehabilitation Project under the Texas Water Development Board Funding for the Clean Water SRF Projects to LEM Construction and authorize the Mayor to execute a contract approved to form by the City Attorney between the City of Bay City and LEM Construction in the amount of ~~\$28,775.00~~ \$28,775,000.00.**

Barry Calhoun, Public Works Director, reviewed the contract stating the amount was \$28,775,000.00 and asked Council to approve and allow LEM to move forward.

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

- 11. Contract ~ Discuss, consider, and/or approve Work Order No. 9 to the Standard Contract Agreement between the City of Bay City, Texas and Garver, LLC for Professional Engineering Services to provide program management assistance and preform water well siting study under the 2023 Texas Water Development Board Funding Drinking Water SRF Projects.** Barry Calhoun, Public Works Director

Shawna Burkhart provide an amended version of the contract and ask Council to approve with motion for amended version of scope of Task VI, VII, and TCEQ alternative capacity requirement. Looking at avenue I location because all the infrastructure is there.

Motion made by Councilman Westmoreland to approve amended version of scope of Task VI, VII, and TCEQ alternative capacity requirement in the amount of \$217,870.00, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 12. Contract ~ Discuss, consider, and/or award the bid for the 2023 Brush Site Wood Chipping services at the City's Brush Site to the lowest responsible bidder and authorize the Mayor to execute a contract approved to form by the City Attorney between the City of Bay City and Austin Wood Recycling in the amount of \$60,600.00.** Barry Calhoun, Public Works Director

Motion made by Councilman Finlay to award the bid to Austin Wood Recycling, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

13. **Lease ~ Discuss, consider, and/or approve entering into a lease agreement at 2005 6th Street (Old Bay City Fire Station) with Sayrah Craft.** Shawna Burkhart, City Manager

Item removed from agenda.

### **CLOSED / EXECUTIVE SESSION**

Council adjourned in to an executive session at 7:30 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).**
16. **Personnel ~ Closed meeting to discuss personnel matters in accordance with 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: Hiring process of new Public Works Director**
17. **Personnel ~ Closed meeting to discuss personnel matters in accordance with 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: City Manager**

### **RECONVENE AND ACTION**

Council reconvened in to a regular session at 9:55 and took no action on items #14, #15, #16 and #17.

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

Councilwoman Brown commented that Code Enforcement did go out on Moore and Duncan and found violations and that she is still hoping to have an ordinance on horses.

Mayor Pro Tem Folse asked if it was too early to request mosquito spraying.

Councilwoman Sitz stated that the Drainage District approved Chick-fil-e, an apartment complex is coming in town by the hospital where in the past that paper work from the city has

not been properly recorded and will bring to Shawna. Shawna Burkhart stated that she is aware of it. Councilwoman Sitz would like the street sweeper cleaning hwy 35.

Councilman Westmoreland thanked Park & Rec staff for all the work on the little league fields. Councilman Westmoreland inquired on doing an ordinance limiting the number of dogs. He also stated that he received complaints regarding 4th street and would like some option son material for road repairs.

Tom Gwosdz, Assistant Attorney, suggested council consider moving the Items and Comments to the beginning of the agenda.

**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 the meeting adjourned at 10:05 pm.

**PASSED AND APPROVED**, this 11th day of April 2023.

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

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JEANNA THOMPSON  
CITY SECRETARY