

CITY OF BAY CITY

MINUTES • DECEMBER 21, 2021

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting

6:00 PM

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



Mayor

Robert K. Nelson

Councilman

Jim Folse

Mayor Pro Tem

Jason W. Childers

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

***Bay City is committed to developing and enhancing the long-term prosperity,
sustainability, and health of the community.***

CALL TO ORDER

The Regular Council meeting was called to order by Mayor Pro Tem Jason Childers at 6:03 pm.

INVOCATION & PLEDGE

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

Councilwoman Floyce Brown

CERTIFICATION OF QUORUM

Quorum certified.

PRESENT

Mayor Pro Tem Jason W. Childers
Councilwoman Floyce Brown
Councilman Jim Folse
Councilwoman Becca Sitz
Councilman Brad Westmoreland

ABSENT

Mayor Robert K. Nelson

MISSION STATEMENT

The City of Bay City is a community that fosters future economic growth, strives to deliver superior municipal services, invests in quality of life initiatives and is the gateway to the great outdoors. We encourage access to our unique historical and eco-cultural resources while maintaining our small-town Texas charm.

Councilwoman Floyce Brown

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Ashley Danna and Demi Bujnoch, Crisis Center, passed out information regarding the Crisis Center, provided their 2021 stats and thanked the Police Department support.

Yolanda Salazar, 1206 6th Street, stated that she owns a house on 5th street that has a sink hole in the road that the City wants her to fix. Ms. Salazar stated that the road floods bad and

she was told that a pipe collapsed under the street. She does not think she should be responsible for the clay pipe broken under the street.

APPROVAL OF MINUTES

1. City Council Regular Meeting minutes of December 21, 2021

Councilman Folse stated that Mr. Ryman, in regards to item #10, was concerned with phase 1b. Councilman Westmoreland requested, in regards to item #10, that the minutes reflect that the City sent out ten solicitations and only 2 responded.

Motion made by Councilman Folse approved the minutes with changes to item number 10, Seconded by Councilman Westmoreland. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

PUBLIC HEARINGS

2. Public Hearing of the City Council of the City of Bay City to consider amending the project and financing plan of Tax Increment Reinvestment Zone Number Two (TIRZ #2), City of Bay City, Texas.

David Pettit summarized the amendment to the PFP, stating that the County and Hospital has met regarding the TIRZ amendment. Mr. Pettit went over next steps. Public hearing is due to expanded territory.

Mayor Pro Tem Childers open the Public Hearing to public Comments.

Mitch Thames, Chamber of Commerce, thanked the council, other entities, and staff for their work and and being a forward thinking group.

Mayor Pro Tem Childers closed the Public Hearing and reconvened back to the regular meeting at 6:21 pm.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

3. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending the Project and Finance Plan of Tax Increment Reinvestment Zone Number Two (TIRZ #2), City of Bay City, Texas.

David Pettit, DPED, introduced and summarize the Ordinance that amends the PFP of TIRZ #2, adding that the TIRZ #2 Board had approved and recommended.

Motion made by Councilwoman Brown to approve the Ordinance, Seconded by Councilman Westmoreland. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion

carried.

4. Agreement ~ Discuss, consider and/or approve the TIRZ #2 Reimbursement Agreement with Bold Fox.

David Pettit provided updates to the supplement to the reimb agreement. Explained how the reimbursement will be paid out to Bold Fox and priorities to CDC to be paid first. Alex Kamkar, Bold Fox, also addressed council and discussed the project. Mr. Pettit added that Bold Fox is coming in and doing the infrastructure.

Mayor Pro Tem Childers asked what changes were made to the supplement, did we remove the notice of completion, and asked about net tax increment. Anne Marie Odefey, City Attorney, explained the 2.5% of the net that the City takes off for administrative costs. Ms. Odefey also went over the priority of reimbursement and next will be the debt service on the bond - Pettit added that it is pay as you go, any by 2025 they will float a bond. Mayor Pro Tem Childers summarized as first city, then CDC, then Bold Fox for reimbursement. TIRZ board did approve and recommend.

Motion made by Councilman Folse to approve the Reimbursement Agreement with change of date from January 25, 2022 to December 21, 2021, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

5. Resolution ~ discuss, consider, and/or approve a Resolution creating the Public Improvement District.

Jessica Russell, BCCDC Director, summarized the resolution for a Public Improvement District, stating that it is a 3 year build out. joint effort with the City and CDC. David Pettit added that the city already had the public hearing and will bring a development agreement in January. A notarized copy of the approved PID will need to be filed with county. Anne Marie Odefey added that we will be adding a TIRZ overlay at a later date.

Motion made by Councilman Westmoreland to approve the Resolution creating the PID, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

6. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending the City of Bay City Personnel Guidelines.

Councilman Westmoreland asked about t-shirts, stating that he does not believe it is professional attire. Shawn Burkhart suggested changing the wording to when t-shirts

are allowed. After discussions, Council requested a workshop regarding the Personnel Policy in the future.

Motion made by Councilwoman Brown to approve the Personnel Policy with changes regarding t-shirts, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

7. Settlement ~ Consider approval of the Texas Opioid Settlement Case by adoption of the following: Settlement Participation Form for Janssen (JNJ), the Settlement Participation Form for Distributors, and Settlement Allocation Term Sheet.

Anne Marie Odefey, City Attorney, introduced Amanda Sanders from Attorney General's office. Ms Sanders, via zoom, reviewed the settlement (audio concerns).

Motion made by Councilwoman Sitz to approve the Texas Opioid Settlement, Seconded by Councilwoman Brown. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

8. Contracts ~ Discuss, consider, and/or approve the Civil Engineering and Surveying Services of the Hamman Road Drainage Project Phase 1B & 2 Engineering Services .

Council discussed tabling until January 25th 2022 to allow time for ARP funding.

Motion made by Councilman Folse to table the item until January 25th, Seconded by Councilwoman Brown. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

9. Resolution ~ Discuss, consider, and/or approve an Administration/Management Service Provider to complete application and project implementation for the CDBG-CV (CRP) funding administered by the Texas Department of Housing and Community regarding a public facility currently in use by Economic Action Committee.

Alyssa Dibbern, City Engineer Tech, recommended a new build. Jody Johnson, EAC, stated that they are not currently open, just drive thru meals.

Motion made by Councilwoman Sitz to approve the Resolution for Administration services provided by Grantworks, Seconded by Councilman Folse. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 10. Resolution ~ Discuss, consider, and/or approve an Engineering/Architecture Service Provider for the CDBG-CV (CRP) administered by the Texas Department of Housing and Community Affairs regarding a public facility currently in use by Economic Action Committee.**

Motion made by Councilwoman Brown to approve the Resolution for Ziegler Cooper to provide Engineering/Architecture service, Seconded by Councilman Westmoreland. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 11. Contract ~ Discuss consider, and/or approve the change order as requested by Ramstone Construction for the Economic Action Committee's building repairs.**

Motion made by Councilwoman Sitz to approve the change order requested by Ramstone Construction, Seconded by Councilwoman Brown. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 12. Agreement ~ Discuss, consider, and/or approve the mutual termination of the Chapter 380 Economic Development Agreement with Sal Holdings, LLC**

Shawna Burkhart, City Manager, stated that the termination is regarding the 11 acres behind Tractor Supply that they did not move forward do to drainage.

Motion made by Councilwoman Brown to approve the termination of the Chapter 380 agreement with Sal Holdings, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 13. Policy ~ Discuss, consider, and/or approve Procurement Policies and Procedures as outlined in the Code of Federal Regulations.**

Scotty Jones, Finance Director, stated that Grantworks recommended the policy.

Motion made by Councilwoman Sitz to approve the Procurement policies, Seconded by Councilwoman Brown. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 14. Grant ~ Discuss, consider, and/or approve the proposed projects to be funded by the American Rescue Plan Act (ARP) Program.**

Scotty Jones reviewed the projects. Shawna Burkhart stated that pressing items is drainage and United Rentals. Mayor Pro Tem Childers believes this needs a workshop. Council agreed to approve top items to get started.

Motion made by Mayor Pro Tem Childers to approve listed street drainage, ball field lights at Hardeman Park, encryption public safety radio system, and utility assistance administered by EAC, Seconded by Councilman Folse. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

15. Policy ~ Discussion regarding vehicle procurement and policies.

Motion made by Councilman Westmoreland to table until January, Seconded by Councilwoman Brown. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

16. Discussion ~ Discussion regarding City Ordinance related to residential sewer line repairs in City right-of-way.

Shawn Burkhart stated that the question is what is the resident responsible for between the main and their home. If main is in the right of way, they are responsible thru their contractor to just make the repair to the line, then City comes in and repairs the street. Mayor Pro Tem Childers added that this is standard practice in other cities.

Yolanda Salazar, resident, stated that it is a clay pipe. Barry Calhoun added that it is the service line and unfortunately, due to age, it just crumbles. Ms. Salazar stated that she is having difficulty finding a plumber because they will not go in the street. Recommendation to Mr. Calhoun to provide a list of contractors he knows that will go in the street.

17. Discuss, consider, and/or approve the appointment of Hillary Reynolds as Residential Commissioner to the Public Housing Authority.

Shawna Burkhart stated that Ms. Reynolds was recommended by the Housing Authority. Ms. Reynolds introduced herself and experience.

Motion made by Councilwoman Brown to appoint Hillary Reynolds as Residential Commissioner to the Public Housing Authority, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned and went in to an Executive Session at 9:00 pm.

18. Pursuant to Texas Government Code 551.071(1) to consult with its attorney on attorney client matters.

19. Executive Session pursuant to Texas Government Code Section 551.087 (Deliberation regarding Economic Development).

OPEN SESSION

Council reconvened at 9:18 pm and took no action on items 18 and 19.

ITEMS / COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Shawna Burkhart stated that she will be out of the office starting December 23rd and back in town on January 1st. Councilwoman Sitz stated that the county bird count was 224 species and Mayor Nelson won raffle for birding trail. Council wished all a Merry Christmas.

ADJOURNMENT

Motion made by Councilman Westmoreland to adjourn, Seconded by Councilman Folse. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and Council adjourned at 9:19 pm.

PASSED AND APPROVED, this 11th day of January 2022.

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

JEANNA THOMPSON
CITY SECRETARY