

CITY OF BAY CITY

MINUTES • DECEMBER 20, 2022 • **REVISED**

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. A quorum was certified.

PRESENT

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

ABSENT

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 Floyce Brown

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 Floyce Brown

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

David Torrez, 1616 Cottonwood, addressed council with his concerns and grievance regarding streets and water bills.

ACKNOWLEDGEMENT FROM CITY MANAGER

There were no acknowledgements.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. **City Council Regular Meeting minutes of November 15, 2022.**
2. **Council Workshop meeting minutes of December 6, 2023.**
3. **Regular Council Meeting minutes of December 6, 2022.**

Motion made by Councilwoman Sitz to approve the consent items with grammatical and spelling corrections, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse. Motion carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

4. **Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Matagorda County for library services for the 2023 year.**

Samantha Denbow, Library Director, presented the annual agreement stating that there were no changes from last year.

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

5. **Agreement ~ Discuss, consider, and/or approve a Jurisdictional Memorandum of Understanding between the Bay City I.S.D. Police Department and the City of Bay City Police Department outlining reasonable communication and coordination of efforts.** Christella Rodriguez, Chief of Police

Motion made by Mayor Pro Tem Folse to approve the Memorandum of Understanding, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz. Motion carried.

6. **Bid ~ Discuss, consider and/or select LEM Construction for the Wastewater Treatment Plant Rehab Projec under the Texas Water Development Board Funding for the Clean Water SRF Projects and Authorize the Mayor and/or City Manager to execute a contract approved to form by the City Attorney between the City of Bay City and LEM Construction.** Barry Calhoun, Public Works Director

Barry Calhoun, Public Works Director, **stated that the bids came in twice as much as expected and** asked Council to approve LEM Construction to move forward with just the items approved **within the current budget. Mr. Calhoun added that LEM has been vetted and can provide value engineering and help us identify areas to reduce cost while moving forward..** Top four items are Cottonwood Lift Station, head works lift station, dewaterization of sludge, and aeration.

Motion by Councilwoman Brown to approve LEM Construction. Second by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz. Motion carried.

7. Variance ~ Discuss, consider, and/or approve a variance to the Animal Ordinance allowing for the raising of pigs.

Benjamin Flores provided a presentation as to why he should be granted a variance.

Motion made by Councilwoman Sitz to deny the variance, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz. Motion carried.

Tom Gwosdz, Assistant City Attorney, advised that Council may want to add a provision to the ordinance to address variances denied can not come back for one year.

8. Budget ~ Discuss, Consider, and/or Approve Budget Amendments for the Bay City Community Development Corporation (BCCDC) as of November 30, 2022.

Jessica Russell, BCCDC Executive Director

Item tabled until the January 10th meeting.

9. Resolution ~ Discuss, consider, and/or approve a resolution authorizing the award of administration service provider for Hazard Mitigation Assistance (HMA) Program(s) funded through the Texas Division of Emergency Management (TDEM) and/or Texas Water Development Board (TWDB).

Gabriel Lopez, Engineering Tech, presented the resolution and recommended GrantWorks as the administration service provider.

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

10. Resolution ~ Discuss, consider, and/or approve a resolution authorizing the award of engineering service provider for the Hazard Mitigation Assistance (HMA) Program(s) funded through the Texas Division of Emergency Management (TDEM) and/or Texas Water Development Board (TWDB).

Gabriel Lopez, Engineering Tech, presented the resolution and recommended Urban Engineering as the engineering service provider.

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

Folse, Councilwoman Sitz. Motion carried.

11. **Resolution ~ Discuss, consider, and/or approve a resolution committing up to \$16,499.00 in City funds towards the construction cost of the Flood and Drainage Improvements Project, CDBG-DR GLO CONTRACT NO. 20-065-048-C142.**

Gabriel Lopez, Engineering Tech, presented the resolution and stated that this was the screen project.

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. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned to go into an executive session at 6:38 pm.

12. **Executive session pursuant to Texas Government Code Section 551.072 to discuss or deliberate regarding the purchase, exchange, lease, or value of real property.**
13. **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 7:15 pm and took no action on item #12 and #13.

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

Mayor Pro Tem Folse asked for updates on the patch truck to be on the January 10th meeting. Mayor Pro Tem Folse also stated that he had been hearing good things about Hamman Road project and would like an update. Councilwoman Brown stated that she was impressed with Hamman Road.

Councilwoman Sitz asked for an update on the final amount for Day of the Dead event. Councilwoman Sitz also stated that a variance to concrete requirements is needed. Shawn Burkhardt replied that they are rewriting the ordinance to address. Councilwoman Sitz asked about the status of the Tourism sign and Ms. Burkhardt replied it is being constructed. Councilwoman Sitz stated that Mayor Nelson led an enlightened meeting on arsenic and subject matter expert group. She believes they came up with some good ideas. Councilwoman Sitz added that if we are going to spend money on an old well then she recommends we build another well. Shawna Burkhardt replied that the change of scope will be

3 wells of same size replacing the old and will provide a little more capacity, but the question will be where to put the new wells.

Mayor Pro Tem Folse stated that the Mayor represented well with the railroad. Mayor Nelson added that it was a positive meeting and they have scheduled a second one.

Mayor Nelson stated that TxDOT will be starting on the sidewalks on highway 35 in January.

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. Motion carried and Council adjourned at 7:25 pm.

PASSED AND APPROVED, this 10th day of January 2023.

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

JEANNA THOMPSON
CITY SECRETARY