

# CITY OF BAY CITY

MINUTES • AUGUST 27, 2024

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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

## Mayor Pro Tem

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Becca Sitz

## Councilman

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Jim Folse

## Councilman

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Bradley Westmoreland

## Councilman

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Blayne Finlay

## Councilman

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Benjamin Flores

*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 Robert K. Nelson at 6:02 p.m.

**PRESENT**

Mayor Robert K. Nelson  
Councilman Blayne Finlay  
Councilman Benjamin Flores  
Councilman Jim Folse (TEAMS)  
Councilman Brad Westmoreland (TEAMS)  
Mayor Pro Tem Becca Sitz

**INVOCATION & PLEDGE**

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

*Councilman James 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.*

*Councilman James Folse*

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

Susan Dancer, 3225 Avenue K, commented that she heard there would be discussion on the train sound ordinance. Ms. Dancer stated she has 3 rental houses in town, her tenants complain about the train noise. Ms. Dancer added that she measured the train horns at 84 decibels at night from her room, loud enough to wake her up at night. Ms. Dancer is on the Matagorda County Appraisal Review Board and has heard concerns from citizens that the property values are being lowered because of the trains. She asked council to take this information into consideration from a financial and quality of life perspective.

Jessica Russell, Executive Director BCCDC, stated that the CDC board has moved in a direction with a pool. There was a motion passed to work closely with the YMCA to develop an agreement to build and operate an aquatic center. She clarified that it is a great step forward

but does not mean the board approved going ahead with the build of the pool. The CDC is headed in that direction, but it has not happened yet. There is still a lot of work to be done.

### **ACKNOWLEDGEMENT FROM CITY MANAGER**

City Manager acknowledged Kera Landry for receiving her Level 2 certification in Code Enforcement, and Libbie Cruz for a job well done. The airport installed sod to control erosion in the water well and they did not have enough water pressure to handle the demand. Libbie brought fire trucks out daily and watered the sod, in the heat, and never complained.

City Manager also announced that the Bay City Youth Soccer Club is holding their grand opening at Hardeman Park on September 5th at 6 p.m.

### **ITEMS / COMMENTS FROM THE MAYOR & COUNCIL MEMBERS**

Councilman Blayne Finlay thanked Jessica Russell for clarifying the update about the aquatic center. Councilwoman Becca Sitz recognized the crews that have been repairing the railroad crossings in town, and stated she is excited to see the railroad crossings getting attention. Councilman Benjamin Flores thanked the staff for gathering the information he requested. He also spoke about a request to have the PowerPoint presentations shown in the council meetings shared on the city website. He spoke about a comment he received about the traffic at the intersection of FM 2668 and Hamman and how the traffic can be challenging at certain times of day. He discussed that he would place an item on a follow-up agenda regarding the council's ability to take notes in the correct format. He then mentioned that the cat problem is a large problem and progress has been made. He then mentioned how he is working with Gabriel from Public Works on maintaining a list of water wells and drainage projects for potential future grants. Councilman Flores then spoke about the HGAC 2-step event he is attending Thursday that is promoted and sponsored by the Office of the Governor. The event includes officials from Federal Government to state agencies and focuses on FEMA, business development, and tourism topics. Councilman Jim Folsie thanked the Mayor for leading the prayer and pledge, then thanked Jeanna Thompson for setting up the TEAMS meeting so he and Councilman Bradley Westmoreland could attend the council meeting while away.

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

- 1. Ratify the alternative pricing with DRC Emergency Services, LLC for change in disposal methods.**
- 2. Council Workshop meeting minutes of July 23, 2024.**
- 3. Council Workshop meeting minutes of August 13, 2024.**

Motion made by Councilman Finlay to approve the consent items. Seconded by Mayor Pro Tem Sitz. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Mayor Pro Tem Sitz. Motion carried.

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**DEPARTMENT REPORTS****4. Public Works Reports and Updates.**

Krystal Mason, Assistant Director of Public Works, provided the Public Works report and updates. Engineering Technician, Gabriel Lopez, gave an update on FEMA public assistance, debris removal, and public facility and private property damages.

**5. Discussion on the Hurricane Beryl After Action Report (AAR).**

Fire Marshal, Dan Shook, discussed the Hurricane Beryl After Action Report (AAR). Councilwoman He discussed that a new Emergency plan is under review and once it is in place, it will be posted on the website. Councilwoman Becca Sitz said that she wants the cell towers to have better generators in the city and to make it a requirement when permitting.

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

- 6. Resolution ~ Discuss, consider, and/or approve a resolution of the City Council of the City of Bay City, Texas authorizing the Bay City Community Development Corporation to enter into a contract with Los Cucos Mexican Cafe Bay City, Inc., for a term not to exceed two years and providing incentives not to exceed a total amount of \$70,000 over the term of the agreement (Second Reading).** Jessica Russell, Executive Director BCCDC

Motion made by Councilman Flores to approve a resolution of the City Council of the City of Bay City, Texas authorizing the Bay City Community Development Corporation to enter into a contract with Los Cucos Mexican Cafe Bay City, Inc., for a term not to exceed two years and providing incentives not to exceed a total amount of \$70,000 over the term of the agreement (Second Reading), Seconded by Mayor Pro Tem Sitz. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Mayor Pro Tem Sitz. Motion carried.

- 7. Resolution ~ Discuss, consider, and/or approve a resolution of the City Council of the City of Bay City, Texas authorizing the Bay City Community Development Corporation to enter into an Interlocal Cooperation Agreement with the City of Bay City for a project to provide Public Safety Facilities (Second Reading).** Jessica Russell, Executive Director BCCDC

Motion made by Councilman Finlay to approve a resolution of the City Council of the City of Bay City, Texas authorizing the Bay City Community Development Corporation to enter into an Interlocal Cooperation Agreement with the City of Bay City for a project to provide Public Safety Facilities (Second Reading)., Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Mayor Pro Tem Sitz. Motion carried.

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8. **Resolution ~ Discuss, consider, and/or approve a resolution to authorize the Bay City Community Development Corporation to enter into a contract with BC Development Group, LLC, for a term not to exceed seven years and providing incentives not to exceed a total amount of \$250,000 over the term of the agreement (First Reading).** Jessica Russell, Executive Director BCCDC

Motion made by Mayor Pro Tem Sitz to approve a resolution to authorize the Bay City Community Development Corporation to enter into a contract with BC Development Group, LLC, for a term not to exceed seven years and providing incentives not to exceed a total amount of \$250,000 over the term of the agreement (First Reading). Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Mayor Pro Tem Sitz. Motion carried.

9. **Contract ~ Discuss, consider, and/or approve Harrison, Waldrop, and Uherek, L.L.P. to provide audit services for the City of Bay City for the year ending September 30, 2024.**

Finance Manager, Jennifer Leverett discussed the Harrison, Waldrop, and Uherek, L.L.P. to provide audit services for the City of Bay City for the year ending September 30, 2024.

Motion made by Councilman Finlay to approve Harrison, Waldrop, and Uherek, L.L.P. to provide audit services for the City of Bay City for the year ending September 30, 2024., Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Mayor Pro Tem Sitz. Motion carried.

10. **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

Motion made by Councilman Flores to 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), to Freese and Nichols. Seconded by Mayor Pro Tem Sitz. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Mayor Pro Tem Sitz. Motion carried.

11. **Discuss, consider, and/or approve entering into a contract with HDR Engineering, Inc. for \$52,500 to prepare the City of Bay City's grant application**

**for the Federal Railroad Crossing Elimination (RCE) Track 1 Planning grant.**

Gabriel Lopez, Engineering Tech

Item was tabled.

**12. Agreement ~ Discuss, consider, and/or approve the reimbursement agreement between BNSF Railway Company and the City of Bay City, Texas.**

Scotty Jones, Interim City Manager, discussed the reimbursement agreement between BNSF Railway Company and the City of Bay City, Texas. Councilman Jim Folse stated he is supportive under the condition that HDR provides the preliminary data that council requested previously.

Motion made by Councilman Folse to approve the reimbursement agreement between BNSF Railway Company and the City of Bay City, Texas. Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Folse, Councilman Westmoreland, Mayor Pro Tem Sitz. Voting Nay: Councilman Flores. Motion carried.

**13. Agreement ~ Discuss, consider, and/or approve the reimbursement agreement between Union Pacific Railroad Company and the City of Bay City, Texas.** Scotty Jones, Interim City Manager

Scotty Jones, Interim City Manager, discussed the reimbursement agreement between BNSF Railway Company and the City of Bay City, Texas. Councilman Jim Folse stated he is supportive under the condition that HDR provides the preliminary data that council requested previously.

Motion made by Councilman Folse made a motion to approve the reimbursement agreement between BNSF Railway Company and the City of Bay City, Texas. Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Folse, Councilman Westmoreland, Mayor Pro Tem Sitz. Voting Nay: Councilman Flores. Motion carried.

**14. Planning ~ Discuss, consider and/or approve the 2025-2027 Strategic Plan including the City's Mission, Vision, and Core Values.**

Scotty Jones, Interim City Manager, discussed the 2025-2027 Strategic Plan including the City's Mission, Vision, and Core Values. She thanked the staff for their input.

Motion made by Councilman Finlay to approve the 2025-2027 Strategic Plan including the City's Mission, Vision, and Core Values. Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Flores, Councilman Folse,

Councilman Westmoreland, Mayor Pro Tem Sitz. Motion carried.

- 15. Tax ~ Consider placing a proposal to adopt a Tax Rate for the 2025 Fiscal Year as an action item on the agenda of a future Council meeting, specifying therein the desired tax rate and publishing notice thereof.** Scotty Jones, Interim City Manager

Interim City Manager, Scotty Jones, recommended placing a proposal to adopt a Tax Rate of .56916 for the 2025 Fiscal Year as an action item on the September 24, 2024 Council agenda.

Councilman Benjamin Flores made a motion to approve placing a proposal to adopt a Tax Rate for the 2025 Fiscal Year as an action item on the September 24, 2024 Council agenda the desired tax rate of .56916 per 100 value and publishing notice thereof, Councilman Brad Westmoreland seconded the motion. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Mayor Pro Tem Sitz.

Council was polled by the Mayor. The yeas were unanimous. Motion carried.

- 16. Tax ~ Consider setting a Public Hearing on the Proposed 2025 Fiscal Year Tax Rate for Tuesday, September 17, 2024.** Scotty Jones, Interim City Manager

Motion made by Councilman Finlay to set a Public Hearing on the Proposed 2025 Fiscal Year Tax Rate for Tuesday, September 17, 2024. Seconded by Mayor Pro Tem Sitz. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Mayor Pro Tem Sitz. Motion carried.

- 17. Budget ~ Consider setting a Public Hearing on the City of Bay City's proposed 2025 Fiscal Year Budget and the City of Bay City's Five-Year Capital Improvement Plan for Tuesday, September 17, 2024.** Scotty Jones, Interim City Manager

Motion made by Councilman Finlay set a Public Hearing on the City of Bay City's proposed 2025 Fiscal Year Budget and the City of Bay City's Five-Year Capital Improvement Plan for Tuesday, September 17, 2024. Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Mayor Pro Tem Sitz. Motion carried.

- 18. Budget ~ Consider setting a Public Hearing on the Bay City Community Development Corporation's proposed 2025 Fiscal Year Budget for Tuesday, September 17, 2024.** Scotty Jones, Interim City Manager

Motion made by Councilman Flores to set a Public Hearing on the Bay City Community Development Corporation's proposed 2025 Fiscal Year Budget for Tuesday, September 17, 2024. Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilman Finlay, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Mayor Pro Tem Sitz. Motion carried.

**CLOSED / EXECUTIVE SESSION**

Council adjourned and went into an Executive Session at 8:16 p.m.

- 19. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**

**RECONVENE AND ACTION**

Council reconvened back into Regular Session 8:57 p.m.

Motion made by Councilman Westmoreland to approve a lease agreement with Bay City Community Development Corporation for the facility located at 2005 6<sup>th</sup> Street. Seconded by Mayor Pro Tem Sitz. Voting Yea: Mayor Nelson, Councilman Flores, Councilman Folsie, Councilman Westmoreland, Mayor Pro Tem Sitz. Voting Nay: Councilman Finlay.

**ADJOURNMENT**

Council adjourned at 8:59 p.m.

**PASSED AND APPROVED**, this 24th day of September 2024.

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

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 JEANNA THOMPSON  
 CITY SECRETARY