

**CITY OF BAY CITY**  
**MINUTES • DECEMBER 12, 2023**

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**COUNCIL  
CHAMBERS | 1901  
5th Street**

**City Council Regular Meeting**

**6:30 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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Blayne Finlay

**Councilman**

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Jim Folse

**Councilman**

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Bradley Westmoreland

**Councilwoman**

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Becca Sitz

**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 Mayor Robert K. Nelson at 6:48 a.m.

**PRESENT**

Mayor Robert K. Nelson  
Mayor Pro Tem Blayne Finlay  
Councilman Jim Folse  
Councilwoman Becca Sitz

**ABSENT**

Councilman Brad Westmoreland

**INVOCATION & PLEDGE**

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

*Councilman 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.*

*Councilman Jim Folse*

**APPROVAL OF AGENDA**

Motion made by Councilman Flores to approve the agenda and tabling item number nine (9) indefinitely, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilwoman Sitz. Motion carried.

**PUBLIC COMMENTS**

Kim Brown, 5112 FM 2668, provided supporting documentation to Council (included per City Attorney Request). Ms. Brown stated that she is a neighbor of Ben Flores and their property borders his. Ms. Brown claimed that Mr. Flores' pig farm is on a flood plain and will contaminate her water. Ms. Brown stated that she has provided government studies on pig contamination, adding that the City Ordinance protects City wells and why not hers.

Jason Morrison, 5112 FM 2668, stated he's concerned regarding swine. He feels that Ben Flores has loosely interpreted the law to benefit himself. Mr. Morrison asked Council to continue to investigate and explore.

Terri Rafter, Chaparral Road, stated that she is concerned that Mr. Flores' pigs will get out. Ms. Rafter added that her property has flooded from that creek so she knows his will, adding that she is concerned about hurricanes in regards to the keeping of pigs.

## PROCLAMATIONS

1. **Proclamation ~ Recognition of Mark Finlay for his years of service to the City of Bay City as a Municipal Court Judge.** Robert K. Nelson, Mayor

Mayor Nelson read the proclamation recognizing Mark Finlay and his years of service. Judge Suzan Thompson expressed her gratitude to Mark Finlay and his services. Mayor Pro Tem Blayne Finlay expressed his pride in his fathers achievements.

## ACKNOWLEDGEMENT FROM CITY MANAGER

2. **Acknowledgement of staff for successfully passing TCEQ Comprehensive Compliance Inspection**

Shawna Burkhart, City Manager, acknowledge the achievements of the following staff: Krystal Mason, Ozzie Martinez, Terry Myren, Johnny Cervantes, Jose DeLeon, Anthony Morales, and Ramon Hernandez.

## ITEMS / COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS

Councilman Folse stated that he enjoyed the Shop with a Cop event and glad he was invited. Mayor Pro Tem Finlay thanked crews for cleaning up trash on Norvell. Mayor Pro Tem Finlay inquired about wide loads going through town and Chief Rodriguez stated that restrictions are now in effect. Mayor Pro Tem Finlay thanked Parks & Rec for their work regarding the rescheduling of the parade to the 14th, adding that Chick-fil-A opening was a success and recognized Tidehaven Highschool football team going to State. Councilwoman Sitz request a report on streets at the next meeting. Mayor Nelson stated that Willie Rollins had passed and he will be missed by the community.

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

3. **Appointment ~ Consider, and/or approve the appointment of Associate Municipal Court Judge Suzanne Sullivan.**

Suzan Thompson, Municipal Court Judge, stated that she and Judge Finlay both agreed on Suzanne Sullivan to replace Judge Finlay as the Associate Municipal Court Judge. Motion made by Councilwoman Sitz to approve the appointment of Suzanne Sullivan as the Associate Municipal Court Judge, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilwoman Sitz. Motion carried.

Suzanne Sullivan was sworn in by Judge Mark Finlay.

4. **Report ~ Presentation of Day of Dead Event report.**

P. Darve Smith, Tourism Manager, provided Council with a report of the Day of the Dead event, adding that this year was a two day event that was attended by 2,012. Councilwoman Sitz stated that she had enjoyed the event and Councilman Flores stated that, as a vendor, he thought it was well organized.

5. **Personnel ~ Discuss, consider and/or approve amending an ordinance by amending the employee guidelines for City Employees.** Rhonda Clegg, Director of Human Resources

Motion made by Mayor Pro Tem Finlay to approve the Ordinance amending the employee guidelines, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilwoman Sitz. Motion carried.

6. **Personnel ~ Discuss, consider, and/or approve an ordinance regarding the City of Bay City's Texas Municipal Retirement System Benefits: (1) Adopting non-retroactive repeating COLAs for retirees and their beneficiaries, and (2) authorizing annually accruing updated service credits and transfer updated service credits.** Rhonda Clegg, Human Resources Director

Motion made by Councilwoman Sitz to approve an ordinance regarding the City of Bay City's Texas Municipal Retirement System Benefits: (1) Adopting non-retroactive repeating COLAs for retirees and their beneficiaries, and (2) authorizing annually accruing updated service credits and transfer updated service credits, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilwoman Sitz. Motion carried.

7. **Ordinance ~ Discuss, consider, and/or approve an Ordinance of the City of Bay City, Texas adopting a "Budget Amendment #3" to the "Annual Budget of the City of Bay City, Texas, for the Fiscal Year 2023"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.** Scotty Jones, Assistant City Manager

Motion made by Mayor Pro Tem Finlay to approve an Ordinance of the City of Bay City, Texas adopting a "Budget Amendment #3", Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilwoman Sitz. Motion carried.

8. **Grants ~ Discuss, consider, and or approve various equipment to be funded by the American Rescue Plan Funds and authorize staff to proceed with procurement.** Christella Rodriguez, Chief of Police

Motion made by Councilwoman Sitz to approve various equipment to be funded by the American Rescue Plan Funds and authorize staff to proceed with procurement, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilwoman Sitz. Motion carried.

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9. ~ **Commentary of Executive Session held on November 14, 2023 and subsequent vote to allocate funds to hire a health consultant.** Ben Flores, Councilmember

Item Tabled

10. ~ **Deliberations and action on hiring a consultant regarding pigs in city limits.**

Shawna Burkhart, City Manager, stated that after the last meeting coming out of the closed session, Councilman Flores had several questions regarding the hiring of a health consultant. Ms. Burkhart added that at this time the City has not taken action on finding a consultant. Anne Marie Odefey, City Attorney, clarified that the City has not halted action but extended process to do additional leg work as to what kind of consultant. Councilman Flores stated that he wanted clarification on the process for public interest.

Councilman Folsie stated that he is dis-hearted and surprised on the attempt to stop the City on doing it's due diligence to support our citizens and their concerns. Councilman Folsie stated that he made the previous motion and stands by it. Councilman Folsie made a motion to hire a consultant to evaluate the pig farm to determine if any actions that are needed and/or recommendations on how to deal with it , with the previous stated amount of \$10,000 or less. Councilwoman Sitz and Mayor Pro Tem Finlay both second the motion.

Mayor Nelson stated that he had questions and voted against the item the last time, asking what are we going to gain. Ms. Odefey replied that it is required by law that if you are wanting to enforce regulation you have to have a health consultant say what needs to be done, what their recommendations and least restrictive manner in the way of doing it to enforce any of the City's rules regarding farming and right-to-farm.

Motion made by Councilman Folsie to hire a consultant regarding pigs in city limits, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Folsie, Councilwoman Sitz. Voting Abstaining: Councilman Flores. Motion carried.

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

Announcement made reminding Council of the parade on the 14th and to be at City Hall at 6:30 p.m.

## **ADJOURNMENT**

Motion made by Councilman Flores to adjourn, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folsie, Councilwoman Sitz. Motion carried and Council adjourned at 7:58 p.m.

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**PASSED AND APPROVED**, this 9th day of January 2024.

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ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

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JEANNA THOMPSON

CITY SECRETARY