



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, February 22, 2022 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K Nelson

Mayor Pro Tem: Jason W. Childers

Council Members: Becca Sitz, Bradley Westmoreland, Floyce Brown, Jim Folse

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

AGENDA

THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:

ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).

CALL TO ORDER

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 Jason Childers

CERTIFICATION OF QUORUM

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.

Mayor Pro Tem Jason Childers

APPROVAL OF AGENDA

PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in

response to the inquiry; recite an existing policy; or request staff places the item on an agenda for a subsequent meeting.

APPROVAL OF MINUTES

- 1. City Council Workshop Meeting minutes of January 25, 2022**
- 2. City Council Regular Meeting minutes of January 25, 2022**
- 3. City Council Special Called Meeting minutes of January 27, 2022**
- 4. City Council Workshop Meeting minutes of February 8, 2022**
- 5. City Council Regular Meeting minutes of February 8, 2022**

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

PUBLIC HEARING

- 6. Public Hearing ~ City Council of Bay City, Texas to consider the advisability of the amendment of Reinvestment Zone Number One (1), Bay City, Texas for Tax Increment Financing Purposes pursuant to Chapter 311, Texas Tax Code and proposed expanded boundaries**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 7. Ordinance ~ Discuss, consider, and/or approve an ordinance of the City Council of Bay City, Texas, amending Ordinance No. 1567 concerning Tax Increment Reinvestment Zone Number One, Bay City, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by expanding the boundary of Tax Increment Financing Reinvestment Zone Number One, Bay City, Texas.**
- 8. Contract ~ Discuss, consider, and/or approve the termination of a contract between the City of Bay City and HHW. Krystal Mason, Code Compliance Officer**
- 9. Ordinance ~ An ordinance amending the City Code of Ordinances Chapter 34 "Emergency Services"; Article II ("Ambulance Services"); adding to Section 34-19 Definitions and 34-20 Authority to Operate; Exceptions; providing for a cumulative and conflicts clause, providing for a severability clause; and providing for an effective date. Shawna Burkhart, City Manager**
- 10. Report ~ Discuss, consider and/or approve the Police Department Annual Report and Racial Profiling Report. Robert Lister, Chief of Police**
- 11. Property ~ Discuss, consider, and/or approve declaring radio equipment as surplus property and authorizing the City to donate to Matagorda County for their use. Dan Shook, Fire Marshal**

12. **Property ~ Discuss, consider, and/or approve declaring a vehicle as surplus property and authorize the Police Department to auction the vehicle.** Robert Lister, Chief of Police
13. **Property ~ Discuss, consider, and/or approve a declaration of unusable equipment, supplies, and materials as surplus and authorize staff to sell said surplus equipment, supplies, and materials through the use of an online auction or other means.** Barry Calhoun, Public Works Director
14. **Ordinance ~ Discuss, consider, and/or approve an Ordinance adopting budget amendments for the quarter ending December 31, 2021.** Scotty Jones, Finance Director
15. **Contract ~ Discuss, consider, and/or approve Work Order No. 6 to the standard contract agreement between the City of Bay City, Texas and Garver, LLC for professional engineering services in the amount of \$235,058,00 for the design, bid, and construction of the Mockingbird Water Plant Electrical Improvements Project budgeted in Fiscal Year 2022 Capital Improvements Plan.** Barry Calhoun, Public Works Director
16. **Contract ~ Discuss, consider, and/or approve City of Bay City's authorization to issue Requests for Proposals for Administrative Services (RFP) and Requests for Qualifications (RFQ) for Engineering Services for the Regional Mitigation Program Council of Governments Method of Distribution (COG-MOD) Program administered through the Texas General Land Office.** Alyssa Dibbern, Engineering Tech
17. **Funding ~ Discuss, consider, and/or approve City of Bay City's authorization to submit a Project Information Form (PIF) to request financial assistance from the Texas Water Development Board (TWDB) under eligible programs from the Drinking Water State Revolving Fund (DWSRG) for another cycle of Water Improvement Projects.** Barry Calhoun, Public Works Director
18. **Funding ~ Discuss, consider, and/or approve City of Bay City's authorization to submit a Project Information Form (PIF) to request financial assistance from the Texas Water Development Board (TWDB) under eligible programs from the Clean Water State Revolving Fund (CWSRG) for another cycle of Wastewater Improvement Projects.** Barry Calhoun, Public Works Director
19. **Report ~ Update on the 6th Annual Camofest financials.** Tina Israel, Main Street Manager
20. **Report ~ Civic Center quarterly report and updates.** Mitch Thames, Bay City Chambers of Commerce and Agriculture
21. **Report ~ Update and discussion regarding water leaks.** Barry Calhoun, Public Works Director

- 22. Report ~ Discussion and update on asphalt zipper and additional equipment needed to perform road repairs.** Barry Calhoun, Public Works Director
- 23. Facilities ~ Discuss and give staff direction regarding funding for window replacements at the Service Center and Hardeman Park Teen Center.** Shawna Burkhart, City Manager
- 24. Tourism ~ Discuss, consider, and approve final etching design for Visit Bay City Sign.** Shawna Burkhart, City Manager

CLOSED / EXECUTIVE SESSION

- 25. Pursuant to the Texas Government Code Section 551.074 (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: Mayor**
- 26. Pursuant to the Texas Government Code Section 551.074 (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: Tourism Manager**

OPEN SESSION

Discuss, consider and/or take action on item(s) listed in Executive/Closed Session, (if any).

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized: The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the

same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

CERTIFICATION OF POSTING

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Friday, February 18, 2022 before 6:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.