

CITY OF BAY CITY

MINUTES • FEBRUARY 22, 2022

**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 Robert K. Nelson at 6:01 pm.

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

Quorum certified.

PRESENT

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

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

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

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.

David Torrez addressed the police department getting to be like Kendall, Texas, making stops to just to find things and think that's not profiling. Mr. Torrez also commented on water leaks and chuck holes in roads.

Mitch Thames, Bay City Chambers of Commerce and Agriculture, stated that he appreciates our police department and thank everyone of our officers.

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**

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

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**

David Pettit, DPED, gave a overview presentation of the expansion to TIRZ #1 and its current performance. Jessica Russell, BCCDC Executive Director, stated that the BCCDC is in full support of the expansion.

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.**

Motion made by Councilwoman Brown to approve the ordinance amending Ordinance 1567 expanding the boundaries, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 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, provided Council stats on HHW pickups in Bay City. She requested direction on the contract that expires since it has not been

utilized much. Cost to City is \$5000 monthly to provide the service. Mayor Pro Tem Childers asked for Ms. Mason opinion and she replied that the cost is much but the service is good. Councilman Westmoreland asked if we could drop off at recycle and they pickup there and Ms. Mason replied that HHW was not interested. Mayor Pro Tem Childers would like to look at other options but due to lack of participation he would motion to cancel.

Motion made by Mayor Pro Tem Childers to cancel the contract and look at other options, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

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

Mayor Nelson presented the ordinance and representative from Integrity Alliance gave a summary of their operations and non-EMS related transports provided.

Motion made by Mayor Pro Tem Childers to approve the ordinance amending Chapter 34 of the Code of Ordinances, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

10. **Report ~ Discuss, consider and/or approve the Police Department Annual Report and Racial Profiling Report.**

Robert Lister, Chief of Police, reviewed the annual report and stats over 2021. Calls for service increased, and sexual assaults and vehicle thefts increased. Chief Lister discussed cases assigned to detectives and there are 531 cases per detective per year. Narcotic related cases increased. Chief Lister discussed the use of force report and that the report it is part of the requirements to be a recognized agency. Mayor Nelson asked about COP program and Chief responded that they are still working on it. Chief Lister discussed the K9 that was just acquired and in training. The K9 will be strictly for narcotic use.

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

Motion made by Councilwoman Brown to approve the surplus, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers,

Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 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

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

- 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

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

- 14. Ordinance ~ Discuss, consider, and/or approve an Ordinance adopting budget amendments for the quarter ending December 31, 2021.**

Scotty Jones, Finance Director, reviewed the amendments adding that hurricane debris removal was not reimbursed by FEMA as hoped. Council would like demo on the proposed chamber's microphone before buying.

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

- 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.**

Motion made by Councilwoman Sitz to approve Work Order No. 6, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 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, presented adding that the project is for public infrastructure. Councilman Westmoreland asked to coordinate with county to share projects.

Motion made by Councilwoman Brown to approve the authorization to issue RFP's and RFQ's, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 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, stated that they are currently working with TWDB and the board reached out for us to apply for another round of funding. There is no obligation and there is loan forgiveness. Councilman Westmoreland asked when is the loan forgiveness and Mr. Calhoun replied that he wasn't sure. Councilman Westmoreland requested to have a workshop to review and get everyone updated.

Motion made by Mayor Pro Tem Childers to approve the submission of the PIF (DWSRF), Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 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

Motion made by Mayor Pro Tem Childers to approve the submission of the PIF (CWSRG), Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 19. Report ~ Update on the 6th Annual Camofest financials.**

Tina Israel, Main Street Manager, presented her report on Camofest and stated that they received \$47,200 in sponsorship, spent \$43,331, making a profit of under \$4000 from sponsorships and made \$61,000 this year. She is still working on "speaker downtown", partnering with the Rotary and BCCDC. Councilwoman Sitz commented on the extraordinary effort and excellent work. Ms. Israel added that the merchants were very happy, sales almost double.

20. Report ~ Civic Center quarterly report and updates.

Mitch Thames, Bay City Chambers of Commerce and Agriculture, gave his quarterly report regarding the Civic Center. Rentals are up. nice uptick in attendance. Mr. Thames stated that they have spent 18 percent of budget and have been replacing tables and chairs as planned. The Civic Center has not had a cancelation where they would have to give back deposit. Mr. Thames believes some of their other venues have had an impact and very few weekends available. They have booked business OSHA meetings, Phillips 66 did their new hires and continue to roll out to businesses for training. Facility repairs/improvements completed.

21. Report ~ Update and discussion regarding water leaks.

Barry Calhoun, Public Works Director, gave an update on water leaks and open work orders. They are making some progress on water leaks, water lines that need replacing, and new taps. 4th and Nichols completed. 4th and Nancy scheduled to be completed by 2/23. Whitson and JP Davis scheduled to be completed 2/24. Mayor Pro Tem Childers asked on turnaround time on new taps and Mr. Calhoun replied that it took some time, priority on those ready to be done. Councilman Westmoreland requested to see this report every month.

22. Report ~ Discussion and update on asphalt zipper and additional equipment needed to perform road repairs.

Barry Calhoun, Public Works Director, gave an update on the zipper and provided a video demo on the operation of the zipper. Mr. Calhoun explained what the machine does, if the material is in good condition we can use, but they are seeing that there is no stabilizing base on many asphalt roads. They need drag a box spreader and funding to procure. Councilman Westmoreland requested a funding plan next meeting.

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

Shawn Blackburn, Parks & Recreation Director, discussed the USO Building window frames that are rotted out and cost is \$150,000 to fix windows, replacing with commercial. Council requested that he explore if the window change is ok by the National Registry and bring back with report on registry.

24. Tourism ~ Discuss, consider, and approve final etching design for Visit Bay City Sign. Shawna Burkhart, City Manager

Item was tabled.

CLOSED / EXECUTIVE SESSION

Council adjourned the regular meeting to convened into an executive session at 8:48 pm.

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

Council reconvened the regular session at 9:38 pm. and took no actions on items 25 and 26.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilman Folse stated that the Police Department annual banquet was good. Councilwoman Sits congratulated the unopposed candidates. Mayor Pro Tem Childers announced that the Bay City Little League Open Ceremonies is March 26th and they are sending invitations. Mayor Nelson stated BNSF contacted him and BNSF is meeting with TxDOT to figure out how to pay for the crossing at 35. Jeanna Thompson, City Secretary, announced all council candidates are unopposed and will present the Certificate of Unopposed and ordinance to cancel the election at the next Council meeting. Candidates will be sworn in May 10th. Councilwoman Sitz stated the Tina Israel mention to her that they are contemplating an ordinance regarding vacant buildings.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and Council adjourned at 9:44 pm.

PASSED AND APPROVED, this 22nd day of March 2022.



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



JEANNA THOMPSON
CITY SECRETARY

