

# CITY OF BAY CITY

## MINUTES • SEPTEMBER 28, 2021

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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

### **Councilman**

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Jim Folse

### **Mayor Pro Tem**

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Jason W. Childers

### **Councilman**

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Bradley Westmoreland

### **Councilwoman**

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Becca Sitz

### **Councilwoman**

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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 6:00 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 present.

**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**

Crystal Folse, on behalf of MD Anderson blood drive, asked Council to waive the Service Center fee to have a blood drive for a citizen.

Mitch Thames, as the Public Information Officer for the County, brought to Council's attention how professional the Police Department was during the emergency. Telemundo wanted to do at 6 am interview and Sergeant Pena provided the spanish speaking part. Mr. Thames requested that she be recognized. Mr. Thames also spoke regarding the State's re-districting and providing maps in future. Mr. Thames added that we are chess pieces on a board being drawn into area 22.

Diane Salazar, 2014 Starling Dr., president of the Girls Softball, requested help in area lights at the field. Ms. Salazar stated that the organization was hit hard from covid and lost funds and do not have the money to replace.

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

1. **Ratify the Declaration of Local State Disaster, Order 2021-04, resulting from Hurricane Nicholas.**
2. **Payment of invoices as recommended by the TIRZ #1 Board to pay out of TIRZ #1 Funds.**
3. **City Council Special Called Meeting Minutes of September 9, 2021**
4. **City Council Regular Meeting minutes of September 16, 2021**
5. **City Council Workshop Meeting Minutes of September 23, 2021**

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

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

6. **Award ~ Government Finance Officer's Association (GFOA) Distinguished Budget Presentation Award.** Scotty Jones, Finance Director

Jennifer Leveritt, Finance, presented the GFOA award background. A short pre-recorded video from GFOA was played.

7. **Property ~ Discussion of Bay City Volunteer Fire Department participation with the proposed location of Public Safety Services.** Randy Frontz, Fire Chief

Mr Robert Klepac, who has been a member of the Bay City Volunteer Fire Department for 45 years and is the Assistant Fire Chief, spoke of various reasons the fire department does not wish to move their location, believing that the current location provides better response time as well as the building will withstand a hurricane better than the proposed location.

8. **Presentation ~ TxCDBG Contract No. 7219029 & 7220002, Presentation A1024, Overview of the Section 3 Goals of the CDBG Program.** Alyssa Dibbern, Engineering Tech

Alyssa Dibbern, Engineering Tech, discussed the policy changes to the two grants; one for mainstreet sidewalks and the other for drainage. Mayor Pro Tem Childers

asked how do we know how many section 3 companies we have and Ms. Dibbern stated they were researching.

**9. Report ~ Civic Center report and updates.** Mitch Thames, Bay City Chambers of Commerce and Agriculture

Mitch Thames, Bay City Chambers of Commerce and Agriculture, reported to Council that the Civic Center continues to suffer a bit from covid, and booking had picked up and then dropped again due to covid cancellations. Mr. Thames stated that they have been looking at pricing and market and the Civic Center is fairly priced and competitive and they do well with businesses and training. Jury selection moved to out to the Civic Center. one concern, from roofing company that has closed and will no longer carry warranty and now roof has a leak.

Councilman Folse asked why was their a restriction on a developer using the center - Mr. Thames said that commercial and sell tickets. thames says he open to changes as long as the building is protected.

Brown asked is there are concessions for nonprofits - Mr. Thames replied that there was not.

**10. Policy ~ Discuss, consider, and/or approve the Budgetary and Financial Management Policy.** Scotty Jones, Finance Director

Scotty Jones, Finance Director reviewed the Budgetary and Financial Management Policy, a GFOA recommendation.

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

**11. Policy ~ Discuss, consider, and/or approve a Resolution to adopt the City's Investment Policy.** Scotty Jones, Finance Director

Motion made by Mayor Pro Tem Childers to approve the Resolution to adopt the City's Investment Policy, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**12. Agreement ~ Discuss, consider, and/or approve ratification of first amendment to agreement by and between the City of Bay City, Texas and DebrisTech, LLC.** Scotty Jones, Finance Director

Scotty Jones, Finance Director, presented the agreement amendment stating that we did not meet State requirement threshold for emergency funds reimbursement.

Motion made by Mayor Pro Tem Childers to approve the ratification of the first amendment to the agreement by and between the City and DebrisTech, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 13. Contract ~ Discuss, consider, and/or approve ratifying the contract with DRC Emergency Services, LLC for debris removal and finding that competitive bidding is not feasible because an emergency or exigency exists that could affect the health and safety of the public due to Hurricane Nicholas.** Scotty Jones, Finance Director

Scotty Jones, Finance Director, stated that DRC is ready to go and the City can start now and as soon as Allen Hurst gets permitted. Ms. Jones also stated that we are waiting permission to use County burn site. WCA will not be ready until October 8th. Councilman Folse commended Public Works for allowing citizens to bring their debris for chipping.

Motion made by Councilwoman Brown to approve ratifying the contract with DRC Emergency Services, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 14. Contract ~ Discuss, consider, and approve entering into a Professional Services Agreement with David Pettit Economic Development, LLC for TIRZ Board #2 advisory.** Scotty Jones, Finance Director

Scotty Jones, Finance Director, presented the service agreement stating that the cost of the agreement may be reimbursed by the TIRZ or worked into the developers agreement.

Motion made by Councilman Folse to approve entering into a Professional Services Agreement with David Pettit Economic Development, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 15. Resolution ~ Discuss, consider, and/or accept a Resolution of the City Council of the City of Bay City, Texas, calling for a public hearing on the creation of a Public Improvement District (PID) and being located within the City of Bay City.** Shawna Burkhart, City Manager

Motion made by Councilwoman Brown to accept the Resolution calling for a public hearing on the creation of a Public Improvement District, Seconded by Councilman

Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 16. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending the City Code of Ordinances relating sections of Chapter 38, Article V "Noise" including Section 38.171 "Unreasonable Noise Prohibited and Section 38.173 "Tests and Standards for Noises"; providing an effective date.** Shawna Burkhardt, City Manager

Shawna Burkhardt, City Manager, and Robert Lister, Chief of Police, have reviewed other city's noise ordinances. Chief Lister asked that section 38-172 (2) "noise" be changed to "music"

Motion made by Councilwoman Brown to table for further clarification and possible changes bring back 12th, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried to table.

- 17. Property ~ Discuss, consider, and/or approve donating the City owned property, AB 0269 , I&GN Co., 3.077 acres (2624 16th St.) to the Bay City Independent School District.** Shawna Burkhardt, City Manager

Shawna Burkhardt, City Manager, commented that there has been discussions and there are some complicated factors; an appraisal, sell at market rate, caveats, if the school excepts. Required to have other public purposes as a donation situation. Ms. Burkhardt recommends tabling until other factors have been ironed out.

Councilman Westmoreland wants the City to take action on current contract with Bay City I.S.D.

Ms. Burkhardt suggested we show public purpose for donation and bring back. Mayor Nelson stated that we still have three things that need to be done first and suggested we table until 2nd meeting in October.

Motion made by Councilwoman Brown to table until second meeting in October, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and item tabled till October 26th.

- 18. Discussion ~ Discuss amending fees for use of the Service Center (USO).** Jim Folse, Councilman

Councilman Folse stated that we are asking volunteers to pay to volunteer and this is something to re-look at. Use of other facilities to use for non profits. Councilwoman Brown stated that Martha Brown was going to have to pay so much to use the Service

Center when she's never had to pay so much for her charm school and Councilwoman Brown would like the fees amended to help the non profits. Mayor Nelson reminded Council that the fee schedule was amended to help maintain the building. Mayor Pro Tem Childers stated that another reason for the fees was that there were many non profits use and significant damage done by them. Mayor Nelson thinks having a facility that can be utilized is needed and the old girl scout house is right size. Shawna Burkhardt, City Manager, stated that we need to be consistent and that she is not opposed to blood drives. Councilman Folse wants to look at the options and to bring the discussion back with options.

## **CLOSED / EXECUTIVE SESSION**

Council adjourned the Regular meeting and convened it to an Executive Session at 8:23 pm.

- 19. Pursuant to Texas Government Code 551.071(1) to consult with its attorney on attorney client matters.**

## **OPEN SESSION**

Council reconvened into a Regular meeting at 8:35pm and took no action on item 19.

## **ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS**

Councilman Folse stated that he had noticed they took down flags along 35 and 60 that were pretty battered. Councilwoman Sitz added that the flags have been ordered, but texas flags are short supply and they need volunteers to put them up and a place to store.

Councilman Folse would like Sgt. Pena to get an "I See You" award and would like an item put on next agenda to discuss girls soft ball lights.

Councilman Westmoreland question about Nile and Roberts intersection where the tall grass makes it difficult to see to cross or make turn.

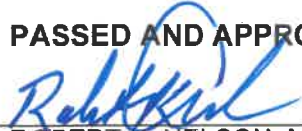
Shawna Burkhardt stated that Ward has been contacted regarding the tall grass on corner on Hamman and they did not mow, so they will probably have to put lien on the property.

Councilman Westmoreland stated that there is a water leak at Ms. Leissner's house and it's been leaking for months. Councilman Folse added that 2808 Del Monte still leaks. Ms. Burkhardt is aware of leak in front of crisis center.

## **ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and the meeting adjourned at 8:40 pm.

**PASSED AND APPROVED**, this 12th day of October, 2021.



ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS



JEANNA THOMPSON

CITY SECRETARY

