CITY OF BAY CITY

MINUTES • JANUARY 11, 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	**Councilman**	**Councilwoman**
Jim Folse	Bradley Westmoreland	Becca Sitz
Mayor Pro Tem		**Councilwoman**
Jason W. Childers		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 Pro Tem Jason Childers 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."*

Councilman Jim Folse

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.

Councilman Jim Folse

APPROVAL OF AGENDA

Motion made by Mayor Pro Tem Childers 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

There were not public comments.

APPROVAL OF MINUTES

1. **City Council Regular Meeting minutes of December 21, 2021**
2. **City Council Special Called Meeting minutes of January 6, 2022**

Motion made by Mayor Pro Tem Childers to approve the minutes of December 21st and January 6th, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem

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

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

3. **Accounts Payable, Direct Payable and Utility Refunds for October, November, and December 2021**
4. **Consider and/or approve invoices recommended by the TIRZ #1 Board to pay out of TIRZ #1 Funds.**

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

PUBLIC HEARING

5. **Public Hearing ~ Review performance and obtain public comments regarding City's 2019 Texas CDBG Program Community Development Contract No. 7219029.**

   Public Hearing was opened to discussion at 6:07 pm.
   Alyssa Dibbern, City Engineer Tech summarized the purpose of having the public hearing and the water infrastructure project was completed on October 25, 2021. . There were no public comments. and the Public Hearing closed at 6:09 pm and reconvened into the regular session.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

6. **Annexation ~ Discuss and take any action deemed necessary to receive and accept annexation petitions from Arthur Millberger, et al and set date and time for public hearing regarding the same as required by Texas Local Government code 43.0673.**

   Anne Marie Odefey, City Attorney presented the annexation petition, adding that on December 21st Council approved an amendment to the Development and Finance Plan to TIRZ #2. Ms. Odefey stated that the petitions have exhibits that we have not yet come to agreement on. The Public Hearing on the annexation will be on February 8th and a newspaper publication is required.

   Motion made by Mayor Pro Tem Childers to accept annexation petitions and set the date of February 8, 2022 to hold a public hearing, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

7. **Agreement ~ Discuss, consider, and/or approve a Professional Service Agreement between David Pettit Development, LLC and the City of Bay City**

providing services relating to an amendment to the existing Tax Increment Reinvestment Zone Number One (TIRZ #1) upon the approval of TIRZ #1 Board.

Shawna Burkhart, City Manager, summarized the professional service agreement with David Pettit to provide services regarding the proposed expansion on TIRZ #1 adding Valor Park developed by Sal Holdings.

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

8. **Agreement ~ Discuss, consider, and/or approve an amendment under the terms of the approved development agreement for Phase II between Reinvestment Zone Number One (TIRZ #1), City of Bay City, and Sal Holdings, LLC.**

Scotty Jones, Finance Director, stated that at the amendment to phase II was presented at the previous TIRZ #1 Board meeting to change to exhibit C and it was approved by the Board. Mayor Nelson asked who will cover cost of maintenance after development and Ms. Odefey, City Attorney, recommended to get in writing on who does what and approve with stipulation of it in writing regarding maintenance.

Motion made by Mayor Pro Tem Childers approved the amendment with the stipulation of a maintenance agreement, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland

9. **Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Matagorda County regarding the Bay City Public Library.** Samantha Denbow, Library Director

Motion made by Mayor Pro Tem Childers to approve the Interlocal Agreement between the City and Matagorda County regarding the Bay City Public Library, Seconded by Councilwoman Brown.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

10. **Discussion ~ Discuss and give staff direction regarding water well at the Bay City Regional Airport.**

Shawna Burkhart, City Manager, reviewed the technical memorandum from Civil PE and the requirements from TCEQ. Ms. Burkhart stated that the question was if a new water well was needed at this time, adding that it is required no matter what and she does not believe we have more than 5 years. Funding does fall under ARP criteria. James Mason, Airport Manager, added that they have known for years and have approached council each year, but due to the cost, funding was not available. Anne

Marie Odefey, City Attorney, asked about a storage tank for potable water. Councilman Westmoreland asked about a pipeline from Tenaris to the airport. Councilman Westmoreland stated that he prefers to allocate funds to storm water issues and hydrants. Ms. Burkhart added that at a minimum we need to keep the well in the 5-year capital plan. Mr. Mason stated that we are at risk of losing clients because we do not have potable water, employees will not be able to get shower in event of spill. Ms. Burkhart stated that we will come back after testing the water and cost of using portable tank temporarily. Mayor Pro Tem agreed because this is 1/3 of the ARP funds. Item will come back to council with answers.

11. **Resolution ~ Discuss, consider, and/or approve a Resolution in support of the submission of an application to the 2022 competitive Housing Tax Credit (HTC) program through the Texas Department of Housing and Community Affairs (TDHCA) by Tejas Cove Senior Housing Limited Partnership, for the rehabilitation of Tejas Cove Apartments.**

    Tracy Fine, National Church Residence, presented the resolution regarding their application thru TDHACA to renovate units at Tejas Cove. They are requesting a $250 in kind donation that is usually given as fee waiver.

    Motion made by Councilwoman Brown to approve the resolution, 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. **Agreement ~ Discuss, consider and/or approve an Interlocal Agreement between the City of Bay City and Matagorda County for the operation of the Bay City Service Center.** Scotty Jones, Finance Director

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

CLOSED / EXECUTIVE SESSION
OPEN SESSION
There was no executive session.

ITEMS / COMMENTS FROM MAYOR AND COUNCIL MEMBERS

Shawna Burkhart announced that there will be a Special Called meeting on January 27th to discuss the TIRZ #2 development and design standards at 5:00 pm. Mayor Nelson thanked Council, he knows that we have had a lot going on and a lot coming up. Council gave their list of tasks and questions for response from the City Manager. Mayor Pro Tem Childers thanked Shawna Burkhart and the staff for their work on the TIRZ.

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 the meeting at 7:15 pm.

PASSED AND APPROVED, this 25th day of January 2022.

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

JEANNA THOMPSON
CITY SECRETARY