



# CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, July 27, 2021 at 6:00 PM  
COUNCIL CHAMBERS | 1901 5th Street

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## 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.*

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## 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."*

*Councilman Bradley Westmoreland*

### 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.

*Councilman Bradley Westmoreland*

### 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.

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

1. **Minutes of City Council Regular Meeting on June 22, 2021.**
2. **Meeting minutes of City Council Budget Workshop held on July 13, 2021**
3. **Ratify an agreement authorizing AEP Texas to replace upon failure of an existing street light fixture with corresponding alternative AEP LED Street Light.**

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

4. **Public Hearing ~**

**Proposed amendment to the city's 2019 CDBG-DR Program Contract No. 20-065-048-C142. This amendment will add additional improvements including a bar screen cleaner, SCADA tower, trash box, sidewalk, driveway and fencing to the project while maintaining the same beneficiaries, scope and budget as the original project.**

5. **Public Hearing ~**

**Receive comments from members of the public concerning the Bay City Gas Company's notice of intent to increase rates effective August 1, 2021 establishing the rate schedule is set out fully in the Notice of Intent attached hereto.**

6. **Rates ~ Discuss, consider, and/or approve the Bay City Gas Company's Notice of Intent to increase rates effective August 1, 2021.**
7. **Variance ~ Discuss, consider, and/or a approve a variance to section 114-70 and 114-111 of the Code of Ordinance permitting the use of the existing water well and new septic system installation on property located at AB 009, Boman & Williams, Tract 25, 39.81 acres (2100 Pine Knoll Road). Lee Payne**
8. **Bid Award ~ Discuss, consider, and/or award the construction bid for the AMI Water Meter Replacement Project under the Texas Water Development Board Funding for the Drinking Water SRF Projects to Accurate Utility Supply and authorize the Mayor and/or City Manager to execute a contract approved to form by the City Attorney between the City of Bay City, Texas and Accurate Utility Supply. Louis Rodriguez, Assistant Public Works Director**
9. **Resolution ~ Discuss, consider and/or approve a resolution of the City Council of the City of Bay City, Texas recognizing the appointments to the Board of Directors of Reinvestment Zone Number One (#1), City of Bay City. Shawna Burkhart, City Manager**

10. **Resolution ~ Discuss, consider and/or approve a resolution of the City Council of the City of Bay City, Texas recognizing the appointments to the Board of Directors of Reinvestment Zone Number Two (#2), City of Bay City.** Shawna Burkhart, City Manager
11. **Resolution ~ Discuss, consider and/or approve a resolution of the City Council of the City of Bay City, Texas recognizing the appointments to the Board of Directors of Reinvestment Zone Number Three (#3), City of Bay City.** Shawna Burkhart, City Manager
12. **Policy ~ Discuss, consider, and/or approve the appointment of Council Members as Liaisons to City Administrative Divisions.** Shawna Burkhart, City Manager

#### **CLOSED / EXECUTIVE SESSION**

13. **Legal ~ Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).**

#### **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, July 27, 2021 before 6:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.