

**CITY OF BAY CITY**  
**MINUTES • FEBRUARY 23, 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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Brent P. Marceaux

**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**

Mayor Robert K. Nelson called the meeting to order 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."*

*Councilman Brent Marceaux*

**CERTIFICATION OF QUORUM****PRESENT**

Mayor Robert K. Nelson  
Mayor Pro Tem Jason W. Childers  
Councilwoman Floyce Brown  
Councilman Jim Folse  
Councilman Brent P. Marceaux  
Councilwoman Becca Sitz

**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 Brent Marceaux

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

David Torrez, who has been a resident for 67 years, stated that he is concerned with the holes in roads and that the City is broke. Mr. Torrez asked what Council will do when the water bills come in for all the broken lines from last weeks freeze. He is concerned the bills will be outrageous.

**APPROVAL OF MINUTES****1. Minutes of City Council Regular meeting on February 9, 2021.**

Motion made by Councilman Marceaux to approve the minutes from the February 9, 2021 Regular Meeting, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson,

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Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

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

2. **Ordinance ~ Discuss, consider, and/or approve revisions to the City of Bay City, Texas Code of Ordinances, Chapter 114 "Utilities", providing rules and regulations in compliance with State law for efficient and safe operations of the City's utility water and wastewater systems.**

Barry Calhoun, Public Works Director, presented the ordinance to Council, revision directly tied to the rate structure. We adjusted the language in the ordinance, multifamily moved out of commercial and now its own class.

Motion made by Mayor Pro Tem Childers to approve the ordinance amending Chapter 114 "Utilities", Seconded by Councilwoman Brown. Mayor Nelson polled Council, Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

3. **Ordinance ~ Discuss, consider and/or approve an Ordinance of the City of Bay City, Texas, revising the Fee Schedule labeled "Appendix B" in the Code of Ordinances of the City of Bay City, Texas; adopting new fees for Chapter 114 Utilities; providing for repeal; providing for ratification; providing a penalty; providing for severability; and providing an effective date. Barry Calhoun, Public Works**

Motion made by Mayor Pro Tem Childers to approve the Ordinance amending the Fee Schedule, Seconded by Councilwoman Brown. Mayor Nelson polled Council: Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

4. **Discuss, consider, and/or award the Construction Bid for the 2019 Texas Community Development Block Grant (CDBG) Fund, Contract 7219029 For Water Improvements Project in northwest quadrant of the City, to Android Construction Services, LLC in the amount of \$379,305.00 and authorize the Mayor and/or City Manager to execute a contract; approve to form by the City Attorney between the City of Bay City and Android Construction Services, LLC.**

Barry Calhoun, Public Works Director, stated that we will need to do budget amend of \$22,000, suggest award all 4 alternates and will bring budget amendment for approval. Work will be completed in 60 days.

Motion made by Councilman Folse to award the four alternate contracts, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

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**5. Agreement ~ Discuss, consider, and/or approve an agreement for Public Improvement District (PID) administrative services.**

Shawna Burkhart, City Manager, stated that we have recently been talking with individual entities that may want to do improvement. Ms. Burkhart reviewed the benefits of a PID for developer. Mayor Pro Tem Childers asked about the turn time and Ms. Burkhart responded as soon as possible that they are trying to 45 day to meet. Anne Marie Odefey, City Attorney, added that it depends on the developer who provides the information to P3.

Motion made by Councilman Marceaux to approve the agreement P3 for PID administrative services, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

**6. Report ~ Discuss, consider, and/or approve the City of Bay City waiving the Bay City Housing Authority payment in lieu of taxes (Pilot) fees for Fiscal years ending March 31, 2012 through March 31, 2020, not to exceed \$82,793.**

Council adjourned into and executive session to consult with the City Attorney at 6:32, Council reconvened at 7:15 pm. Mayor Pro Tem Childers commented that he takes offense when some one owes us money and has a pending law suit against us. Ask them to withdraw the law suit then ask us to forgive the amount owed. They should have dropped this all ready and would like the City legal fees recovered, he is not in favor of waiving the fees since they have not applied for grants. Because of the situation we should be seeing the financial reports regularly. They should seek HUD approval for what ever we decide upon. He does not want to set a precedence.

Motion made by Mayor Pro Tem Childers for the Mayor and City Manager to proceed with negotiations, Seconded by Councilman Marceaux. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilman Marceaux, Councilwoman Sitz. Motion carried.

**7. Report ~ Discuss and provide staff direction regarding notification of affordable rental housing application proposed.**

Shawna Burkhart, City Manager, state that a developer of an apartment complex asked to be endorsed by the City. There were concerns from CDC with the developer. There was not time for them to finished their application by March 1st. Ms. Burkhart added that her experience is that it takes a year and a half, and this time frame is questionable. Asked council as to where you desire affordable housing or do you desire another? Is the City going to be supportive with TDHCA applications? Councilwoman Brown stated that the developer should work with CDC, and Mayor Pro Tem Childers thinks its a good start and that Council needs all the details not a bait and switch. Direction is to go to CDC and provide sufficient time to gather information.

**CLOSED / EXECUTIVE SESSION**

- 8. **Executive session pursuant to Texas Government Code Section 551.087, (1) to discuss commercial or financial information that BCCDC has received from a business prospect that BCCDC seeks to have locate, stay, or expand in Bay City and with which BCCDC is conducting economic development negotiations; and/or (2) to deliberate the offer of a financial or other incentive to a business prospect described by Subdivision (1).**

Council did not adjourn into an Executive Session due to a delay in information.


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

Councilman Folsie publicly wished his wife happy birthday. Councilwoman Sitz stated that we are fortunate to have many contractors in town, but a lot of loud vehicles and would like to bring it to the attention of PD.

**ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folsie, Councilman Marceaux, Councilwoman Sitz. Motion carried and meeting adjourned at 7:16 pm.

**PASSED AND APPROVED**, this 9<sup>th</sup> day of March, 2021.

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

  
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 JEANNA THOMPSON  
 CITY SECRETARY

