

**CITY OF BAY CITY**  
**MINUTES • SEPTEMBER 27, 2022**

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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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Blayne Finlay

**Mayor Pro Tem**

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Jim Folse

**Councilman**

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Bradley Westmoreland

**Councilwoman**

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Becca Sitz

**Councilwoman**

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Floyce Brown

*Through a united and collaborative effort, we seek to grow the City of Bay City with a diverse culture that is proud to call Bay City home. We envision a thriving family-centered community where citizens are involved in the future development of our city. We desire our citizens to work, play, worship and shop in the community in which we live. Visitors are welcomed and encouraged to enjoy the friendly environment and amenities the citizens and business owners have created together.*

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**CALL TO ORDER AND CERTIFICATION OF QUORUM**

The meeting was called to order by Mayor Robert K. Nelson at 6:00 pm.

**PRESENT**

Mayor Robert K. Nelson  
Councilwoman Floyce Brown  
Mayor Pro Tem Jim Folse  
Councilwoman Becca Sitz  
Councilman Brad Westmoreland  
Councilman Blayne Finlay

**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*

**MISSION STATEMENT**

*The City of Bay City is committed to fostering future economic growth by collaborating with our citizens, employers, current and future businesses, as well as the Community and Economic Development Centers. We strive to deliver superior municipal services and to invest in quality-of-life initiatives such as housing, businesses, jobs and activities for all citizens. We make a concerted effort to respond to resident's concerns in a timely and professional manner in order to achieve customer satisfaction.*

*Councilman Bradley Westmoreland*

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

Ben Flores, 2500 Hamman, stated that he would like to appeal the decision of council and the Animal Control Officers report and effect of council's decision.

**PROCLAMATIONS**

- 1. Proclamation ~ A proclamation declaring October as "Domestic Violence Awareness Month".** Brittany Matthews, Matagorda County Crisis Center

Mayor Nelson read and presented the proclamation declaring October as "Domestic Violence Awareness Month" to Samantha Counts on behalf of the crisis center.

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**ACKNOWLEDGEMENT FROM CITY MANAGER**

Shawna Burkhart, City Manager, stated that she appreciates all city staff attending tonight's meeting.

**DEPARTMENT REPORTS****2. Municipal Court Award Presentation. Katy Plunkett**

Item was tabled.

**3. Police Department Staffing.**

Christella Rodriguez, Police Department Captain, provided a staff update. Dispatch is fully staffed and Patrol will be fully staffed once background checks are completed.

**4. Public Works Reports.**

Barry Calhoun, Public Works Director, provided an update on Elliot Addition, stating that the challenge has been delivery of material and lime not available until mid to late October. There has been an increase on prices as well. United Rental Drainage project will have a pre-construction meeting tomorrow and have 120 days to complete. Hope to start on next phase of Hamman Road Drainage project in early November. They have excavated a ditch and discovered more drainage issues on Chapparral. They looked at the culvert and shaving down the culvert wasn't as easy as first thought. Lowering may cause a problem with vehicles bottoming out when passing over. Mayor Pro Tem Folse wanted to make sure the five (5) steps were clear regarding Hamman Drainage as : 1) the overflow ditch, 2) drop height of culvert, 3) Hamman to Cottonwood creek, 4) look at Holly Lane to bring over, and 5) verify and re-grade. Mr. Calhoun concurred. The meter project is moving along and should be complete by November 1st. The City is waiting on TCEQ approval and bids due this Thursday and will bring back in workshop. Two water plants designs are 90% complete. Mike Burchard, Utilities, introduced his staff which is short staffed and just three employees responding around the clock.

**REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL****5. Budget ~ Discuss, consider, and/or approve Police Department staff compensation.**

Shawna Burkhart, City Manager, stated that compared to sister cities, the police department staff was under paid. Using savings from Health Insurance and lump sum cost of living payment, they are able to give the police staff, patrol up to sargent, an hourly increase. The increase will create a \$9225 overage, but they are confident the extra will be covered else where.

Motion made by Mayor Pro Tem Folse to approve the staff compensation, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor

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Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay.  
Motion carried.

- 11. Resolution ~ Discuss, consider, and/or approve a resolution of the City Council of the City of Bay City, Texas approving a Park Master Plan.** Shawn Blackburn, Parks & Recreation Director

Motion made by Councilwoman Sitz to approve the Park Master Plan, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay.  
Motion carried.

- 18. Property ~ Discuss, consider, and/or approve declaring a building as surplus and authorize sale of building as personal property to Bay City Community Development Corporation and subject to their Agreement to do so.**

Shawna Burkhart, City Manager, stated that the BCCDC attorney believe this should be a lease since it's the building and not the land. BCCDC plans to create a small business incubator and allow the Girl Scouts to use the building. BCCDC would want a long term lease. BCCDC will do the rehabilitation on the building.

Motion made by Councilwoman Sitz to move forward on a long term lease agreement with BCCDC, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 6. Grant ~ Discuss, consider, and/or approve authorizing to issue a Request for Proposals (RFP) for application writing, plan writing, and administrative services for Hazard Mitigation Assistance through the Building Resilient Infrastructure and Communities (BRIC) Grant Program.** Barry Calhoun, Public Works Director

Motion made by Councilman Westmoreland to approve authorizing to issue a RFP for application writing, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 7. Grant ~ Discuss, consider, and/or approve authorizing to issue a Request for Proposals (RFP) for administrative services and Requests for Qualifications (RFQ) for engineering services for the 2023-2024 Texas Community Development Block Grant Program administered by the Texas Department of Agriculture.**

Barry Calhoun, Public Works Director, stated that this is the next round, last was for water line improvements. This will be continued improvement of water lines on northwest quadrant of the city.

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Motion made by Councilwoman Sitz to approve authorizing to issue a RFP for administrative services, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

8. **Resolution ~ Discuss, consider, and/or approve selecting an Administration/Project Delivery Service Provider to complete application and project implementation for the Texas CDBG-MIT Regional Mitigation Program's method of distribution development (CDBG MIT-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).**

Barry Calhoun, Public Works Director, recommended Grantworks and stated that this is 3.1 million for drainage.

Motion made by Councilwoman Sitz to approve the resolution selecting Grantworks as an Administration/Project Delivery Service Provider, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

9. **Resolution ~ Discuss, consider, and/or approve selecting an Engineering/Architectural Service Provider to complete application and project related Engineering/Architectural Services for the Texas CDBG-MIT Regional Mitigation Program's method of distribution development (CDBG MIT-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).** Barry Calhoun, Public Works Director

Motion made by Councilman Finlay approve the resolution selecting Lynn Engineering as the Engineering/Architectural Service Provider, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

10. **Lease ~ Discuss, consider, and/or approve a Commercial Aviation Lease Agreement with Williams Field Services for premises at the Bay City Regional Airport.** James Mason, Airport Manager

Mayor Pro Tem Folse questioned the utility payment of \$400, concerned it was too low. and asked about using existing well. James Mason replied that they will be using the well and Councilman Westmoreland stated that it was not the case a few months back. Mayor Pro Tem Folse and Councilman Westmoreland are concerned that the utility is too low and the cost of the city putting in sidewalk was too low.

Item tabled to bring back with rate study.

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- 12. Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City, Matagorda County, Texas, authorizing professional service provider(s) selection for American Rescue Plan Act (ARP Act) program(s).**

Scotty Jones, Finance Director, presented and recommended Civil PE

Motion made by Councilwoman Sitz to approve the resolution authorizing Civil PE as a professional service provider, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 13. Grant ~ Discuss, consider, and/or approve various equipment to be funded by the American Rescue Plan Funds and authorize staff to proceed with procurement.** Scotty Jones, Finance Director

Motion made by Councilwoman Brown to approve the various equipment to be funded by the ARP grant and proceed with procurement, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 14. Ordinance ~ Discuss, consider and/or approve an Ordinance of the City of Bay City, Texas, adopting a Fee Schedule attached hereto as exhibit "A" and labeled "Appendix B" to be added to the Code of Ordinances of the City of Bay City, Texas; adopting fees and charges for various City services and consolidating those fees and charges for convenience; providing for repeal; providing for ratification; providing a penalty; providing for severability; and providing an effective date.** Scotty Jones, Finance Director

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

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

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

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

Motion made by Councilman Westmoreland to approve a resolution adopting the City's investment policy, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson,



Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

**17. Planning ~ Discuss, consider, and/or approve Financial Participation in the Public Improvement of TIRZ #4.** Shawna Burkhart, City Manager

Item moved to Executive Session.

**19. Utilities ~ Discuss, consider, and/or approve cleaning city water wells for arsenic removal.**

Mayor Nelson stated that Councilwoman Sitz investigated with Mr. Odey. Mr. Odey has given Barry Calhoun and Krystal Mason some information. Mr. Calhoun stated that Mike Odey gave them some good information and options. Krystal Mason added that Mr. Odey's suggestion was to pull the well, clean it, do a "down hole" camera study, and a water quality study by zones of the well. Would require TCEQ approval, and does not think its a technique to use because it does not change the water quality. Mr. Burnett proposed site survey similar to Garver. Alfa Water Tech just not in our budget. Council took no action.

### **CLOSED / EXECUTIVE SESSION**

Council adjourned the regular meeting to convened into an executive session at 8:40 pm.

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

**22. Executive Session pursuant to Texas Government Code Section 551.087 (Deliberation regarding Economic Development).**

### **RECONVENE AND ACTION**

Council reconvened the regular session at 9:36 and took no action on items #17, #21 and #22.

**20. Agreement ~ Discuss, consider, and/or authorize the City Manager to enter into an agreement with Matagorda County or Patriot Strategies for grant writing purposes for the proposed natatorium/aqua center.** Shawna Burkhart, City Manager

A motion was not made.


### **ITEMS / COMMENTS FROM MAYOR, COUNCIL MEMBERS AND CITY MANAGER**

Councilwoman Sitz asked that La Casona's \$4000 water bill be looked into, also requested that the City Hall windows be cleaned, stated that the Drainage District is streamlining processes, and Maddox preliminary plat was approved.

**ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and the meeting adjourned at 9:46.

**PASSED AND APPROVED**, this 25th day of October 2022.

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

  
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JEANNA THOMPSON  
CITY SECRETARY

