

**CITY OF BAY CITY**  
**MINUTES • JULY 27, 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 meeting was called to order by Mayor Robert K. Nelson at 6:03 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 Bradley Westmoreland*

**CERTIFICATION OF QUORUM****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 Bradley Westmoreland*

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

Donnye Stone thanked Council for repair of Nile Valley. Ms. Stone also Invited council to see new facility for CAST and production.

Darrell Toombs has issues with City water billing of \$1000 and he has no leaks, not thrilled with how they have handled. He also criticized how the City is doing the road patch work and lack of Police presence.

David Torrez complained about Del La Rosa subdivision streets.

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

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

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.**

Alyssa Dibbern spoke regarding the amendment to the contract. City will go out for bid, 3 month extension deadline. There were no public comments.

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.**

David Torrez asked why rate increase and city approval. Mayor replied that freeze created a large purchase and this is a pass through.

6. **Rates ~ Discuss, consider, and/or approve the Bay City Gas Company's Notice of Intent to increase rates effective August 1, 2021.**

Lawerence Gwin, Attorney for Bay City Gas Company, stated that there was an unusual weather event. causing gas purchased by the Gas Company to go from 3 per mcf to 400 mcf rate. Cost of gas is passed through customers and the Gas Company Board agreed to take the hit but need to recover those funds.

Mayor Pro Tem Childers pointed out that this happened to many utilities and pointed out that this is not price gouging by the Gas Company, we all are feeling it. Mayor Nelson added that this is the fairest way, they've talked to Austin, and this is the plan they came up with.

Mr. Gwin added that they want to get these prices down. Mayor Pro Tem Childers pointed out that the gas service was not interrupted. Councilman Westmoreland asked if there a method of controlling prices if this happens again and Mr. Gwin stated that they are looking at various methods, but none come cheap.

Kevin Hecht, Gas Company, reviewed the rates changes and increase based on usage. Mayor Nelson asked if this was over approximately 5 years? Mr. Hecht replied yes.

Motion made by Councilwoman Brown to approve the Bay City Gas Company's increase rates, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

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, property owner, stated that he recognizes that city services are going to be a challenge and the lift station is gravity fed. Barry Calhoun stated that the city utilities are more than the 300 ft from Mr. Payne's property and is he is okay with them doing private well and septic.

Motion made by Mayor Pro Tem Childers to approve the variance allowing for permitting of use of the existing water well and installing new septic system on property located at 2100 Pine Knoll Road, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

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.**

Barry Calhoun, Public Utilities, stated that he had presented at the last city meeting and brought recommendations and addition information was requested. The engineer is looking for best value, and has provided a chart with vendor's side by side.

Councilman Westmoreland asked about data points and scoring, and the Wade Parks, Garver Representative answered that the ranking did not change

Shawna Burkhart, City Manager asked about the performance bond and Mr. Parks replied it was 5%. Ms. Burkhart stated that her experience with 3rd parties installation there were problems and wants to know how the contract will address. Mr. Parks replied that Accurate will do the installation and they are procuring from badger.

Mayor Pro Tem Childers stated that with Siemens there was a caveat regarding a licensing fee and Mr. Parks replied that was an option to negotiate with the contractor to add items or red line but they have not seen any hidden costs.

The contract has been forwarded to Legal for review.

Motion made by Mayor Pro Tem Childers to award the construction bid for the AMI Water Meter Replacement Project to Accurate Utility Supply, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**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.**

Motion made by Mayor Pro Tem Childers to approve the Resolution recognizing the appointments to the Board of Directors of Reinvestment Zone Number #1 with legal revisions, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

**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.**

Motion made by Councilman Westmoreland to approve the Resolution recognizing the appointments to the Board of Directors of Reinvestment Zone Number #2 with legal revisions, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilwoman Sitz, Councilman Westmoreland. Voting Abstaining: Councilman Folse. Motion carried.

**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.**

Motion made by Councilman Westmoreland to approve the Resolution recognizing the appointments to the Board of Directors of Reinvestment Zone Number #3 with legal revisions, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro

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

**12. Policy ~ Discuss, consider, and/or approve the appointment of Council Members as Liaisons to City Administrative Divisions.**

Motion made by Councilwoman Brown to approve the Council Members as Liaisons to City Administrative Divisions, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion Carried.

**CLOSED / EXECUTIVE SESSION**

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

Council adjourned into an Executive Session at 7:20 pm.

**OPEN SESSION**

Discuss, consider and/or take action on item(s) listed in Executive/Closed Session, (if any).


Council reconvened into a Regular Session at 7:37 and took no action on item number 13.


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

**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 at 7:43 pm.

**PASSED AND APPROVED**, this 24th day of August 2021.

  
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JASON CHILDERS, MAYOR PRO TEM  
CITY OF BAY CITY, TEXAS

  
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JEANNA THOMPSON  
CITY SECRETARY

