



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, June 27, 2023 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K Nelson

Mayor Pro Tem: Jim Folse

Council Members: Benjamin Flores, Bradley Westmoreland, Becca Sitz, Blayne Finlay

Vision Statement

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.

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 AND CERTIFICATION OF QUORUM

INVOCATION & PLEDGE

Texas State Flag Pledge: *"Honor The Texas Flag; I Pledge Allegiance To Thee, Texas, One State Under God, One And Indivisible."*

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.

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.

ACKNOWLEDGEMENT FROM CITY MANAGER**ITEMS / COMMENTS FROM THE MAYOR, COUNCIL MEMBERS AND CITY MANAGER****CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL**

- 1. City Council Regular Meeting minutes of April 25, 2023.**
- 2. City Council Regular Meeting minutes of May 9, 2023.**
- 3. City Council Special Called Meeting minutes of May 16, 2023.**
- 4. Council Workshop Meeting minutes of May 23, 2023.**
- 5. City Council Regular Meeting minutes of May 23, 2023.**

DEPARTMENT REPORTS

- 6. Public Works Reports and Updates.** Krystal Mason, Interim Assistant Public Works Director

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 7. Ordinance ~ Discussions regarding the use of golf carts on city streets.** Darla Ortiz/Councilwoman Becca Sitz
- 8. Appointment ~ Discuss, consider, and/or approve the election of Mayor Pro Tem.** Robert K. Nelson
- 9. Policy ~ Discuss, consider, and/or approve the appointment of Council Members as Liaisons to City Administrative Divisions.** Shawna Burkhart, City Manager

CLOSED / EXECUTIVE SESSION

- 10. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
- 11. Pursuant to Texas Government Code 551.071(2) to consult with its attorney on attorney client matters. (TxDOT)**

RECONVENE AND ACTION**ADJOURNMENT**

AGENDA NOTICES:

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.

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, June 23, 2023 before 6:00 p.m.** Any questions concerning the above items, please contact the Mayor and City Manager's office at (979) 245-2137.

CITY OF BAY CITY

MINUTES • APRIL 25, 2023

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting

6:00 PM

**1901 5TH STREET
BAY CITY TX,77414**



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

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.

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

ABSENT

Councilman Blayne Finlay

INVOCATION & PLEDGE

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Councilwoman Becca Sitz

MISSION STATEMENT

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Councilwoman Becca Sitz

APPROVAL OF AGENDA

Motion made by Mayor Pro Tem Folse to approve the agenda moving item #14 to after item #9, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

PUBLIC COMMENTS

Dorcus Kleinhans stated that she appreciated the work Council does. Ms. Kleinhans added that we can't compete with big cities, and we need help with Riverside Park to be self-sufficient. Ms. Kleinhans gave suggestions to aid the park.

Ben Flores addressed his candidacy for council position.

ACKNOWLEDGEMENT FROM CITY MANAGER

1. Recognition of Samantha Denbow for earning the designation of Certified Public Library Administrator

Samantha Denbow was recognized for earning her Certified Public Library Administrator certification. Ms. Denbow was one of 124 graduates.

2. Award ~ Government Finance Officer's Association (GFOA) Distinguished Budget Presentation Award.

The Finance Department was recognized as being awarded the highest form of recognition in governmental budgeting of the GFOA Distinguished Budget Presentation Award.

ITEMS / COMMENTS FROM THE MAYOR, COUNCIL MEMBERS AND CITY MANAGER

Mayor Pro Tem Folse stated that the Challenger Opening ceremonies were well attended and similarly as was the crisis center "light up the square". Mayor Pro Tem Folse also stated that Hamman Road was closed to being finished.

Councilman Westmoreland thanked the Crisis Center for the event that was eye opening and thanked the Challenger group.

Councilwoman Sitz stated that there is a construction company working on a landmark building on the square and that there is another planned, adding that the permitting experience was agreeable. Councilwoman requested that the street sweeper run up and down highway 35.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

3. Regular Council Meeting minutes of February 28, 2023.

Item to be brought back for council approval due to wrong date of minutes on agenda.

4. Accounts Payable, Direct Payable and Utility Refunds for January, February, and March 2023

5. Ratifying adjusted utility fees.

Motion made by Councilwoman Brown to approve item number 4 and 5 of consent items, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

DEPARTMENT REPORTS

6. Municipal Court 1st Fiscal Quarter update and 2023 Municipal Traffic Safety Award - Katy Plunkett, Court Administrator

Katy Plunkett, Court Administrator, presented Municipal Court 1st Fiscal Quarter stats and the 2023 Municipal Traffic Safety Award. Anne Marie Odefey, City Attorney, thanked the Municipal Court for helping Palacios put their court back together.

7. Library Quarterly Report and Updates. Samantha Denbow, Library Director

Samantha Denbow, Library Director, presented both the 1st and 2nd quarter stats and activities of the Library.

8. Tourism Manager's Quarterly Report. P. Darve Smith, Tourism Manager

Darve Smith, Tourism Manager, presented the quarterly report regarding Tourism. Mr. Smith stated that the digital sign is in production now and they will be removing the old sign in two weeks. Mr. Smith discussed a citizen app being reviewed, more traffic on social media, billboard changes, and the 2023 Day of the Dead event.

9. Public Works Reports and Updates. Krystal Mason, Interim Assistant Public Works Director

Krystal Mason, Interim Assistant Public Works Director, presented work order stats and project updates regarding Public Works.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

10. Property ~ Discuss, consider, and/or approve Windstorm Insurance Policy renewal and take any action deemed necessary. Scotty Jones, Finance Director

Motion made by Councilman Westmoreland to table until next meeting, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

11. Presentation ~ Discuss the Bay City Texas Theater Project and provide staff direction.

Jessica Russell, Executive Director of Bay City Community Development, presented a proposal for the Bay City Community Development to take over the Texas Theater and office building development with a developer. Property will need to change hands and goal to revitalize and get back on tax roll. Ms. Russell added that the City is not putting in money. Councilwoman Brown asked if the City would be asked to participate in Tax Incentive after development and Ms. Russell answered no. Mayor Pro Tem Folse stated that he did not see anything in the immediate future to do anything with the building so he didn't see why not. Anne Marie Odefey, City Attorney, stated that there are two ways to divest ourselves; appraise and buy at market value or list it with a realtor for 30 days. Ms. Russell gave another option of turning over the property to BCCDC but Ms. Odefey stated that she does not see that in the statute. Councilman Westmoreland asked if anybody will have the opportunity to give a proposal and Ms. Russell stated yes through an RFP and written agreement. Councilwoman Sitz stated that she loves the public/private partnership.

12. Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement on Special Law Enforcement Services. Christella Rodriguez, Chief of Police

Motion made by Mayor Pro Tem Folse to approve the interlocal agreement. Second by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

13. Bid ~ Discuss, consider, and/or award the selection for professional engineering, design services, including construction administration to Civil PE's LLC for aviation projects listed in the RFQ funded by the City of Bay City, TxDot Aviation, and the Federal Aviation Administration, with funding administered by the City of Bay City, or TxDOT Aviation and/or the Federal Aviation Administration. James Mason, Airport Manager

Motion made by Councilman Westmoreland to approve the award to Civil PE's, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

14. Report ~ Discuss, consider, and/or approve the City's Quarterly Financial and Investment Report for the quarter ending March 31, 2023. Scotty Jones, Finance Director

Motion made by Councilwoman Brown to approve the City's Quarterly Financial and Investment Report, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

15. Discussion ~ Review and discuss the proposed schedule of budget calendar.

Scotty Jones, Finance Director, presented the budget calendar and reviewed dates of workshops, stating that some workshops take longer and have moved to better dates. Ms. Jones also reviewed events that take place in regards to the budget. Scotty Jones reviewed the schedule and the council had no conflicts.

16. Ordinance ~ An Ordinance amending Chapter 2 of the Code of Ordinances of the City of Bay City, Texas by amending Article II (City Council), Division 2 "Meetings and Rules of Order" and providing an effective date. Jeanna Thompson, City Secretary

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

17. Report ~ Discuss TCEQ Order received regarding arsenic.

Shawna Burkhart, City Manager, stated on April 12th the TCEQ Order passed and we have 3 years to resolve. Garver Engineering was directed to do the well sighting.

18. Budget ~ Discuss, consider, and/or approve funding towards repairs of streets located at 4th and LeTulle, Tepeyac Avenue, and Tepeyac side roads.

Shawna Burkhart, City Manager, stated that there is \$250,000 that was set aside and is available to fund repairs to streets located at 4th and LeTulle, Tepeyac Avenue, and Tepeyac side streets in San Jose addition. Crews will learn chip sealing from Matagorda Concrete who will be chip setting small section on 4th. City has all the equipment to do chip sealing and then crew will go to San Jose addition to chip seal in house. Estimate cost of \$50,000 which will leave \$200,000 to consider paying up to 30% engineering services for Nile Valley Phase #2. Only 2 more years for IJJA funds and we need to tap into that source.

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

19. Discuss ordinance changes in relation to Drainage District #1.

Shawna Burkhart, City Manager, currently the city is working with Anne Marie and the Drainage District to get Maddox plans approved. Mayor Pro Tem Folse stated that the drainage ordinance is redundant since dictated by State and if not dictated by State why are we tying ourselves to it. Anne Marie Odefey, City Attorney, replied that Chapter 98 developer obligated to get approval from district. Ms. Odefey also added that Chapter 46-21 of the Flood prevention ordinance says the city has a program in connection with the drainage district. Mayor Pro Tem Folse stated that he doesn't see the need to codify in our ordinance and would like removed or modified. Ms. Odefey replied that we can certainly do that and the city will go ahead and approve our plats, adding that the city be well advise to be very cognizant on what they are going to implement on what they are going to be their rules. Ms. Odefey recommended to get a local engineer who is familiar with the area to review. Shawna Burkhart directed to bring an amended ordinance back to council.

CLOSED / EXECUTIVE SESSION

Council adjourned into an executive session at 8:24 pm.

20. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).

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

RECONVENE AND ACTION

Council reconvened back into regular session at 9:32 pm and took no action on items #20 and #21.

ADJOURNMENT

Motion made by Councilwoman Brown, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and council adjourned at 9:32 pm.

PASSED AND APPROVED, this 27th day of June 2023.

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • MAY 09, 2023

COUNCIL
CHAMBERS | 1901
5th Street

City Council Regular Meeting

6:00 PM

1901 5TH STREET
BAY CITY TX,77414



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

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CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Pro Tem Jim Folse at 6:00 pm.

PRESENT

Councilwoman Floyce Brown
 Mayor Pro Tem Jim Folse
 Councilwoman Becca Sitz
 Councilman Brad Westmoreland
 Councilman Blayne Finlay

ABSENT

Mayor Robert K. Nelson

INVOCATION & PLEDGE

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Councilman Blayne Finlay

MISSION STATEMENT

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APPROVAL OF AGENDA

Motion made by Councilwoman Sitz to approve the agenda with item #6 moved out of consent items and into regular items, Seconded by Councilwoman Brown. Voting Yea: Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay

PUBLIC COMMENTS

Dorcus Kleinhans thanked council for their services. Ms. Kleinhass stated that she has spoken with Shawn at Parks & Recreation and he provided a copy of the plans for Riverside Park.

Ben Flores thanked the residents on this council position win and thanked Floyce Brown for her service on council.

PROCLAMATIONS

- 1. Proclamation ~ Proclamation recognizing May as "Motorcycle Safety and Awareness Month".** Mayor Robert K. Nelson

2. **Proclamation ~ Proclamation recognizing May 21st-27th, 2023 as "National Public Works Week"**. Mayor Robert K. Nelson
3. **Proclamation ~ Proclamation recognizing May 14th-20th, 2023 as "National Police Week"**. Mayor Robert K. Nelson

Mayor Robert K. Nelson read and presented to each proclamation individually.

ACKNOWLEDGEMENT FROM CITY MANAGER

Shawna Burkhart, City Manager, recognized Krystal Folse, Interim Assistant Public Works Director, and Scotty Jones, Finance Director who, along with her, met with TWDB and was able to answer questions and able to unofficially garner funds.

ITEMS / COMMENTS FROM THE MAYOR, COUNCIL MEMBERS AND CITY MANAGER

Councilwomen Sitz asked the City Manager to add to acknowledgements employees who have saved tax dollars in the future.

Councilman Finlay acknowledged those involved in the BCISD situation and that they have done an excellent job handling.

Councilman Westmoreland thanked BCPD for stepping in to help and safeguarding our community.

Councilwoman Brown thanked the Council their support and gave a list of her community involvement and accomplishments since 1995.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

4. **Regular Council Meeting minutes of April 11, 2023**
5. **Council Workshop meeting minutes of April 25, 2023.**

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

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

6. **Insurance ~ Discuss, consider, and/or approve ratifying the City Manager's signature for binding policies associated with the City's Windstorm Insurance coverage.** Scotty Jones, Finance Director

Scotty Jones, Finance Director, explained the need to ratification was due to misinformation from broker and administration had to act fast. Councilman Westmoreland thanked Ms. Jones for her and staff teamwork and would like to

consider an RFP for a new broker. Councilwoman Sitz applauded Ms Jones and Ashley Rivera for getting a better number.

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

Councilwoman Sitz made a motion to put aside \$100,000 for self-insurance, Second by Councilwoman Brown. Yea: Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay Motion carried.

- 7. Property ~ Discuss, consider, and/or approve a declaration of unusable equipment: a surplus police vehicle, and authorize staff to sell said surplus equipment through the use of an online auction or other means.** Lieutenant Clayton Ryman, Police Department

Motion made by Councilwoman Brown approved a declaration of unusable equipment as surplus, Seconded by Councilman Finlay. Voting Yea: Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 8. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending Chapter 66 of the Code of Ordinances of the City of Bay City, Texas by amending Article III (Tobacco Products), Division 1 "Generally", Division 2 "Distribution to Minors; providing severability clause; and providing an effective date.**

Jeanna Thompson, City Secretary, presented stating that this was requested by the Police Department as citizens were challenging the ordinance. The amendment provides clearer definition of tobacco in regards to electronic cigarettes and vaping.

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

- 9. Utilities ~ Discussion regarding the Texas Water Development Board (TWDB) requirement regarding water leaks.**

Shawna Burkhart, City Manager, informed council that the city was recently contacted regarding the percentage of water leaks that are up 36%. Staff is working on contracting out work to lower that percentage. They will be getting bids and bringing back to council. The high percentage effects future funding.

- 10. Appointment ~ Discuss, consider, and/or approve the appointment of Tammy Blackwell and Jeanna Thompson to the Public Housing Authority.**

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

CLOSED / EXECUTIVE SESSION**RECONVENE AND ACTION****ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and council adjourned at 7:00 pm.

PASSED AND APPROVED, this 27th day of June 2023.

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

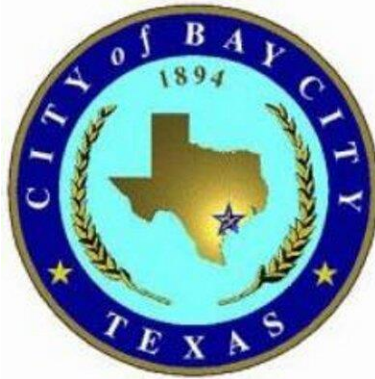
CITY SECRETARY

CITY OF BAY CITY

MINUTES • MAY 16, 2023

COUNCIL CHAMBERS | 1901 5th Street **City Council Special Called Meeting** **5:00 PM**

1901 5TH STREET
BAY CITY TX, 77414



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

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CALL TO ORDER

The meeting was called to order by Mayor Robert K. Nelson at 5:02 pm.

PRESENT

Mayor Robert K. Nelson
Mayor Pro Tem Jim Folse

ABSENT

Councilwoman Floyce Brown
Councilwoman Becca Sitz
Councilman Brad Westmoreland
Councilman Blayne Finlay

CERTIFICATION OF QUORUM

There was not a quorum.

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 1. Report ~ Discuss, consider, and/or approve the canvassing of the General Election returns for the election held on Saturday, May 6, 2023. J**

Mayor Nelson and Mayor Pro Tem Folse reviewed the official election counts and total votes cast for each candidate is as follows:

Council Position #1:

Benjamin Flores 730

Floyce Brown 326

Council Position #2:

Jim Folse 867

Mayor Nelson and Mayor Pro Tem Folse approved the canvassing of the General Election returns.

- 2. Discussion - Review and discuss City Strategic Plan and goals**

Discussions postponed to May 23rd and June 6th.

ADJOURNMENT

Mayor Nelson adjourned the meeting at 5:13 pm.

PASSED AND APPROVED, this 27th day of June 2023.

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY

CITY OF BAY CITY

MINUTES • MAY 23, 2023

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Workshop

5:00 PM

**1901 5TH STREET
BAY CITY TX,77414**



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

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CALL TO ORDER

The meeting was called to order by Mayor Robert K. Nelson at 4:34 pm.

CERTIFICATION OF QUORUM

Quorum certified.

PRESENT

Mayor Robert K. Nelson
 Mayor Pro Tem Jim Folse
 Councilwoman Becca Sitz
 Councilman Blayne Finlay

ABSENT

Councilman Brad Westmoreland

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL**1. Discussion - review and discuss City Strategic Plan and goals**

Shawna Burkhart, City Manager, facilitated the goal visioning discussion. Staff provided updates on accomplishments. Ms. Burkhart suggested adding "Superior Municipal Services" and "Excellent Customer Service". Benjamin Flores suggested showing percentage or number completed. Mayor Pro Tem requested a show of footage of roads to complete and completed. Mayor Nelson thanked the staff for their accomplishments.

ADJOURNMENT

Motion made by Mayor Nelson to adjourn, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried and the meeting adjourned at 5:30 pm.

PASSED AND APPROVED, this 27th day of June 2023.

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

 JEANNA THOMPSON
 CITY SECRETARY

CITY OF BAY CITY

MINUTES • MAY 23, 2023

COUNCIL
CHAMBERS | 1901
5th Street

City Council Regular Meeting

6:00 PM

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Mayor

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CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Robert K. Nelson at 6:01 pm. Quorum certified.

PRESENT

Mayor Robert K. Nelson
Mayor Pro Tem Jim Folse
Councilwoman Becca Sitz
Councilman Blayne Finlay
Councilman Benjamin Flores

ABSENT

Councilwoman Floyce Brown
Councilman Brad Westmoreland

INVOCATION & PLEDGE

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APPROVAL OF AGENDA

Motion made by Councilman Finlay, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

PUBLIC COMMENTS

Jessica Russell, BCCDC Director, announced that the Russell Ranch drainage plan was approved by the drainage district. David Torres complained about unfinished sidewalks and potholes.

CEREMONIAL

1. **Award ~ Recognition of Floyce Brown for her years of service to the City of Bay City as a Council Member.**

Item tabled to next Council meeting.

2. Policy ~ Swearing in of elected Council Member Benjamin Flores and re-elected Council Member James Folse from May 6, 2023 General Election.

Newly elected Benjamin Flores and re-elected James Folse were sworn in and took their places at the deis.

ITEMS / COMMENTS FROM THE MAYOR, COUNCIL MEMBERS AND CITY MANAGER

Mayor Pro Tem Folse stated that he was impressed with staff from the workshop earlier. Councilman Folse thanked the citizens and his wife. Councilwoman Sitz thanked Council for their acknowledgment of her mother's passing.

DEPARTMENT REPORTS

3. Public Works Reports and Updates.

Krystal Mason, Interim Assistant Public Works Director, provided a presentation regarding Public Works stats and project updates.

4. Main Street Report

Tina Israel, Main Street Manager, stated that Main Street has received accreditation from National Mainstreet for year 2023. Ms. Israel stated that they have a couple of opportunities to host some round tables which are educational. Texas Downtown Association will have their organization down June 15th at Stones Market which will include three educational an a walking tour.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

5. Agreements ~ Discussion regarding the City of Bay City's billing of utility services provided to the Matagorda County Sheriff's Office jail facility.

Jennifer Kim Chau, Matagorda County Attorney, and Council discussed utility services provided to the Matagorda County Sheriff's Office jail facility and billing. Council agreed that the Mayor will appoint a committee to negotiate with county appointed committee.

6. Resolution ~ Discuss, consider, and/or approve resolution supporting the City of Bay City's application(s) to the Texas Department of Transportations 2023 Transportation Alternatives Set-Aside Call for projects. Gabriel Lopez, Engineer Tech

Motion made by Mayor Pro Tem Folse to approve the resolution supporting the City of Bay City's application(s) to the Texas Department of Transportations 2023

Transportation Alternatives Set-Aside Call for projects, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried.

7. **Bid ~ Discuss, consider, and/or approve awarding the construction bid for the City Hall Roof Replacement Project to A-Lert Roof Systems and authorize the Mayor to execute a contract to form by the City Attorney.** Scotty Jones, Finance Director

Motion made by Councilwoman Sitz to approve awarding the construction bid for the City Hall Roof Replacement Project to A-Lert Roof Systems, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried.

8. **Ordinance ~ Discuss, consider, and/or approve an Ordinance of the City of Bay City, Texas adopting a "Budget Amendment #2" to the "Annual Budget of the City of Bay City, Texas, for the Fiscal Year 2023"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.** Scotty Jones, Finance Director

Motion made by Councilwoman Sitz to approve the ordinance adopting Budget Amendment #2" to the Annual Budget, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried.

9. **Agreement ~ Discuss, consider and/or approve Standard Professional Services Agreement between the City of Bay City and Bureau Veritas for Construction Code Services, Fire Code Services, and Public Works Services (Civil Plan Review and Inspections).** Krystal Mason, Interim Assistant Public Works Director

Motion made by Councilwoman Sitz to approve Standard Professional Services Agreement between the City of Bay City and Bureau Veritas for Construction Code Services, Fire Code Services, and Public Works Services, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried.

10. **Ordinance ~ Discuss, consider, and/or approve an Ordinance of the City Code of Ordinances Chapter 18 "Aviation": Article I ("In General") and Article III ("Airport Rule and Regulations"); Providing for a cumulative & conflicts clause, providing for a severability clause; and providing for an effective date.** James Mason, Airport Manager

Item tabled till next meeting.

ADJOURNMENT

Motion made by Councilwoman Sitz to adjourn, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried and council adjourned at 7:49 pm.

PASSED AND APPROVED, this 27th day of June 2023.

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

JEANNA THOMPSON
CITY SECRETARY



Public Agenda Item Request

City of Bay City

Submitted On:

ITEM #7.

Jun 22, 2023, 07:49PM CDT

Full Name	First Name: Darla Last Name: Ortiz
Full Address	Street Address: [REDACTED] City: Bay City State: TX Zip: 77414
Phone Number	[REDACTED]
Email	[REDACTED]
Describe Item to be considered and area of City involved, if any:	Petition to allow Golf Carts to be driven on public roadways in Bay City.
Executive Summary of item and action by council sought:	<p>Greetings to our City Council Members:</p> <p>We are asking City Council to consider amending the City Ordinance which would allow Golf Carts to be driven on our public roadways in Bay City.</p> <p>There are other cities in Texas who have allowed golf carts on their city roadways with restrictions and guidelines that line up with State of Texas Golf Cart Laws amended in 2021 and they have adjusted very well. Many local residents feel that the City of Bay City is READY for this new way of community transportation. It is also important to mention that golf carts riding in the community, will give new residents moving here, as well as tourists visiting, a welcoming and homey feeling for our great little city. Thank you.</p>
Sponsor	Councilwoman Becca Sitz
How much time will be needed to present?	5-6 minutes
Upload File(s)	<p>Unique Vehicles _ TX-DMV.gov.pdf PALACIOS, TX -Golf Cart Ordinance.pdf ROCKPORT TX -Ordinance-Golf-Carts.pdf NASSAU BAY, TX -Golf Cart Regulations.pdf MCKINNEY, TX -GOLF CARTS INFO- .pdf KEMA, TX -Golf Cart Information.pdf Motor Vehicle Registration Manual.pdf</p>

How Do I? Language:

ITEM #7.



[Home](#) / [Motorists](#) / [Buying or Selling a Vehicle](#)

Unique Vehicles

Unique vehicles include off-highway vehicles, Golf Carts, and Neighborhood Electric Vehicles (NEVs). Off-highway vehicles include All-Terrain Vehicles (ATVs), Recreational Off-Highway Vehicles (ROVs), Utility Vehicles (UTVs), and Sand Rails. The unique vehicles in each tab below have different types of operation. Click on each tab to find more information about these vehicles and the different types of operation.

Off-Highway Vehicles

Golf Carts

Neighborhood Electric Vehicles (NEV)

A Golf Cart is a motor vehicle designed by the manufacturer primarily for use on a golf course. TxDMV does not title and register Golf Carts, but Golf Carts are eligible to receive a Golf Cart license plate. You may obtain a Golf Cart license plate from your county tax assessor-collector's office. The county will require a [Form 130-U Application for Texas Title and/or Registration](#).

Golf Carts with a Golf Cart license plate may be operated on roads in the following situations:

- In a master planned community with a uniform set of restrictive covenants and a county or municipality approved plat
- On a public or private beach that is open to vehicular traffic
- On a highway with a posted speed limit of 35 mph, during the daytime and not more than two miles from the location where it is usually parked for transportation to and from a golf course
- To cross intersections, including an intersection with a highway that has a posted speed limit of more than 35 mph.

Golf Carts must have the following minimum equipment:

- Headlamps
- Tail lamps
- Reflectors
- Parking brake
- Mirrors

Additionally, cities or certain counties may authorize operation of Golf Carts on roads within the boundaries of the city or within unincorporated areas of certain counties. The Golf Cart must display a Golf Cart license plate when operated on roads authorized by the city or county. Operation may be authorized only on roads with a speed limit of 35 mph or less.

If operated on the roads at a speed of 25 mph or less, a Golf Cart is required to display a slow-moving vehicle emblem.



Contact

Business Hours

Mon to Fri, 8AM-5PM (Central Time)

[View Detailed Contact Information](#)

Resources

- [Cobrowse](#)
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- [Reports & Data](#)
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- [Texas by Texas \(TxT\)](#)
- [Texas by Texas \(TxT\) - Español](#)
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- not more than two miles from the location where the NEV is usually parked and for transportation to or from a golf course.

A person is not required to register an NEV operated in compliance with Transportation Code, Sec. 551.304.

12.3 Golf Cart

Transportation Code, Sec. 551.401. Definitions.

In this subchapter, "golf cart" means a motor vehicle designed by the manufacturer primarily for use on a golf course.

Transportation Code, Sec. 551.402. Registration Not Authorized; License Plates.

- (a) *The Texas Department of Motor Vehicles may not register a golf cart for operation on a highway regardless of whether any alteration has been made to the golf cart.*
- (b) *A person may operate a golf cart on a highway in a manner authorized by this subchapter only if the vehicle displays a license plate issued under this section.*
- (c) *The Texas Department of Motor Vehicles:*
 - (1) *shall by rule establish a procedure to issue license plates for golf carts; and*
 - (2) *may charge a fee not to exceed \$10 for the cost of the license plate, to be deposited to the credit of the Texas Department of Motor Vehicles fund.*
- (d) *A golf cart license plate does not expire. A person who becomes the owner of a golf cart for which the previous owner obtained a license plate may not use the previous owner's license plate.*

Transportation Code, Sec. 551.403. Operation Authorized in Certain Areas.

- (a) *An operator may operate a golf cart:*
 - (1) *in a master planned community:*
 - (A) *that is a residential subdivision as defined by Section 209.002(9), Property Code, or has in place a uniform set of restrictive covenants; and*
 - (B) *for which a county or municipality has approved one or more plats;*
 - (2) *on a public or private beach that is open to vehicular traffic; or*
 - (3) *on a highway for which the posted speed limit is not more than 35 miles per hour, if the golf cart is operated:*
 - (A) *during the daytime; and*
 - (B) *not more than five miles from the location where the golf cart is usually parked and for transportation to or from a golf course.*
- (b) *Notwithstanding Section 551.402(b), a person may operate a golf cart in a master planned community described by Subsection (a) without a golf cart license plate on a highway for which the posted speed limit is not more than 35 miles per hour, including through an intersection of a highway for which the posted speed limit is more than 35 miles per hour.*

Transportation Code, Sec. 551.4031. Prohibition of Operation on Highway by Municipality, County, or Department.

- (a) *A county or municipality may prohibit the operation of a golf cart on a highway under Section 551.403 if the governing body of the county or municipality determines that the prohibition is necessary in the interest of safety.*
- (b) *The Texas Department of Transportation may prohibit the operation of a golf cart on a highway under Section 551.403 if the department determines that the prohibition is necessary in the interest of safety.*

Transportation Code, Sec. 551.404. Operation on Highway Authorized by Municipality or Certain Counties.

- (a) *In addition to the operation authorized by Section 551.403, the governing body of a municipality may allow an operator to operate a golf cart on all or part of a highway that:*
 - (1) *is in the corporate boundaries of the municipality; and*
 - (2) *has a posted speed limit of not more than 35 miles per hour.*
- (b) *In addition to the operation authorized by Section 551.403, the commissioners court of a county described by Subsection (c) may allow an operator to operate a golf cart on all or part of a highway that:*
 - (1) *is located in the unincorporated area of the county; and*
 - (2) *has a speed limit of not more than 35 miles per hour.*
- (c) *Subsection (b) applies only to a county that:*
 - (1) *borders or contains a portion of the Red River; or*
 - (2) *borders the Gulf of Mexico and has a population of less than 500,000.*

Transportation Code, Sec. 551.4041. Equipment.

A golf cart operated under Section 551.404 must have the following equipment:

- (1) *headlamps;*
- (2) *taillamps;*
- (3) *reflectors;*
- (4) *parking brake; and*
- (5) *mirrors.*

Transportation Code, Sec. 551.405. Crossing Intersections.

A golf cart may cross a highway at an intersection, including an intersection with a highway that has a posted speed limit of more than 35 miles per hour.

Transportation Code, Sec. 551.403 allows golf carts to be operated:

- *in a master planned community with a uniform set of restrictive covenants and a county or municipality-approved plat;*
- *on a public or private beach that is open to vehicular traffic; or*

- on a road with a posted speed limit not more than 35 mph if operated during the daytime and the golf cart is driven not more than five miles from the location where it is usually parked for transportation to and from a golf course.

A golf cart may be operated in a master planned community without a Golf Cart license plate for which the posted speed limit is not more than 35 miles per hour, including through an intersection of a highway for which the posted speed limit is more than 35 miles per hour.

Transportation Code, Sec. 551.404, allows a city or certain county to authorize operation of golf carts on certain highways within the city's or county's boundaries. A city may authorize operation when the highway is within the boundaries of the city and the posted speed limit is 35 mph or less. Certain counties may authorize operation on county highways that are located in an unincorporated area of the county and the posted speed limit is 35 mph or less. The golf cart must be equipped with head lamps, tail lamps, reflectors, a parking brake, and mirrors. The counties that may authorize operation in an unincorporated area of the county must:

- border or contain a portion of the Red River; or
- border the Gulf of Mexico with a population less than 500,000.

Golf carts operated on highways where operation is authorized must display a Golf Cart license plate.

There is a one-time license plate fee of \$10, and there will be no expiration date for the license plate and no license plate sticker issued. The Golf Cart license plate is not proof of registration for operation on a public highway. Effective September 1, 2009, the TxDMV stopped titling and registering golf carts.

Note: Issuance of Golf Cart license plates is done through the RTS Title Application event by selecting Non-Titled.

12.4 Package Delivery Vehicles

Transportation Code, Sec. 551.452. License Plates for Package Delivery Vehicles.

- The Texas Department of Motor Vehicles may issue distinguishing license plates for a vehicle operated by a motor carrier for the purpose of picking up and delivering mail, parcels, and packages if the vehicle:*
 - is a golf cart, a neighborhood electric vehicle, or an off-highway vehicle; and*
 - is equipped with headlamps, taillamps, reflectors, a parking brake, and mirrors, in addition to any other equipment required by law.*
- The Texas Department of Motor Vehicles by rule shall establish a procedure to issue the license plates to be used only for operation in accordance with this subchapter.*
- The license plates must include the words "Package Delivery."*
- The Texas Department of Motor Vehicles may charge a license plate fee not to exceed \$25 annually to be deposited to the credit of the Texas Department of Motor Vehicles fund.*

Transportation Code, Sec. 551.453. Limited Operation.

- (a) *A motor carrier may operate, for the purpose of picking up or delivering mail, parcels, or packages, a vehicle bearing license plates issued under Section 551.452 on a public highway that is not an interstate or a limited-access or controlled-access highway and that has a speed limit of not more than 35 miles per hour.*
- (b) *The Department of Motor Vehicles may not require the registration of a vehicle operated under Subsection (a) unless the registration is required by other law.*

Golf carts, NEVs, and off-highway vehicles (ATVs, ROVs, UTVs and sand rails) operated by a motor carrier for the purpose of picking up or delivering mail, parcels, and packages are eligible for Package Delivery license plates.

The license plate fee is \$25 annually, and NEVs pay registration fees in addition to the license plate fee.

Operation of the vehicle is limited to a public roadway with a speed limit of 35 miles or less, unless crossing on or through a road or street.

For operation in a subdivision or condominium, the Package Delivery vehicle must comply with any applicable rules adopted by the property owner's association that manages the subdivision or condominium.

For operation on all or part of a public highway allowed by a municipality or county, the Package Delivery vehicle must operate in the corporate boundaries of the municipality or unincorporated areas of the county with a speed limit 35 miles or less.

Initial issuance of the license plates must be purchased through the county tax assessor-collector's office. Renewal may take place at the county, online, or through a subcontractor.

12.5 Pocket Bike or Minimotorbike

Transportation Code, Sec. 551.353. Application of Subchapter to Pocket Bike or Minimotorbike.

This subchapter may not be construed to authorize the operation of a pocket bike or minimotorbike on any:

- (1) *highway, road, or street;*
- (2) *path set aside for the exclusive operation of bicycles; or*
- (3) *sidewalk.*

12.6 Motor Assisted Scooter and Minimotorbike

Transportation Code, Sec. 551.351. Definitions.

In this subchapter:

- (1) *"Motor-assisted scooter":*
 - (A) *means a self-propelled device with:*
 - (i) *at least two wheels in contact with the ground during operation;*
 - (ii) *a braking system capable of stopping the device under typical operating conditions;*

ARTICLE IV. GOLF CARTS

Sec. 17-51. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this article except where the context clearly indicates a different meaning:

Driver means the person driving and having physical control over the motorized cart.

Motorized cart means those electric and gasoline powered carts, commonly referred to as golf carts, but which must have a minimum of four (4) wheels and which have an attainable top speed not greater than twenty-five (25) miles per hour on a paved level surface and which is manufactured in compliance with those federal motor vehicle safety standards for low-speed vehicles. Specifically excluded from this definition are those motorized conveyances commonly referred to as ATVs, four-wheelers, mules, and gators.

Owner means the person holding title to the motorized cart.

Parking area means those areas accessible to the public by motor vehicular traffic and which are designated for temporary parking of motor vehicles, usually in places referred to as parking lots.

Street means the public roadways of the City of Nassau Bay by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that:

- a) Has a posted speed limit of thirty-five (35) miles per hour or less; or
- b) Provides for no more than two (2) lanes of vehicular traffic per direction; or
- c) Is not designated as part of either the state or federal highway system.

(Ord. No. 2009-656, § 1, 11-9-09)

Sec. 17-52. Electric and gasoline motorized cart required equipment.

Every motorized cart must be equipped as mandated by the Texas Transportation Code, H.B. No. 2553 Section 551.404 Subsection (a) and/or required by the City of Nassau Bay the following:

- (1) Operational headlamps;
- (2) Operational tail lamps;
- (3) Side reflectors;
- (4) Operational parking brake; and
- (5) Rearview mirror(s).

(Ord. No. 2009-656, § 2, 11-9-09)

Sec. 17-53. Gasoline carts.

Every motorized cart powered by gasoline shall at all times be equipped with an exhaust system in good working order and in constant operation and meeting the following specifications:

- (1) The exhaust system shall include the piping leading from the flange of the exhaust manifold to and including the muffler and exhaust pipes or including any and all parts specified by the manufacturer.
- (2) The exhaust system and its elements shall be securely fastened with brackets or hangers, which are designed for the particular purpose of fastening motorized cart exhaust systems.
- (3) The engine and powered mechanism of every motorized cart shall be so equipped, adjusted and tuned so that the exhaust is the amount of a motorized cart in good working order.
- (4) It shall be unlawful for the owner of any motorized cart to operate or permit the operation of such cart on which any device controlling or abating atmospheric emissions which is placed on a cart by the manufacturer is rendered unserviceable by removal, alteration or which interferes with its operation.

(Ord. No. 2009-656, § 3, 11-9-09)

Sec. 17-54. Operation regulations.

- (a) All drivers of motorized carts shall hold a valid driver's license and shall abide by all traffic regulations applicable to vehicular traffic when using the authorized streets and parking areas of the city.
- (b) Motorized carts shall not be operated on sidewalks at any time.
- (c) All motorized carts are entitled to a full use of a lane on the authorized streets and parking areas of the city and no motor vehicle shall be driven in such a manner as to deprive any motorized cart of the full use of a lane.
- (d) The driver of a motorized cart shall not overtake and pass in the same lane occupied by the vehicle being overtaken.
- (e) No driver shall operate a motorized cart between lanes of traffic or between adjacent lines of rows of vehicles.
- (f) The driver of a motorized cart with a current and valid driver's license operating the cart on a street (as defined herein) may cross a multi-lane or a county or state route only at a signalized intersection.

(Ord. No. 2009-656, § 4, 11-9-09; Ord. No. O2013-714, 8-12-13)

Sec. 17-55. Liability.

Nothing in this article shall be construed as an assumption of liability by the City of Nassau Bay for any injuries to persons, pets or property which may result from the operation of a motorized cart by an authorized driver.

Owners are fully liable and accountable for the actions of any individual that they provide permission to operate and drive said motorized cart, both on personal and/or city and public properties. This described liability responsibility especially applies to personal injuries or property damage resulting from motorized cart drivers who are minors under the age of twenty-one (21) with or without a current and valid Texas drivers license.

(Ord. No. 2009-656, § 5, 11-9-09)

Sec. 17-56. Penalties.

Any person who violates the terms of this article shall be penalized as follows:

The maximum penalty allowed by law for such a misdemeanor and in addition to traffic violations the driver of the motorized cart may be subject to pursuant to Texas Law, the owner of the motorized cart shall be subject to the following civil penalties:

- (1) For the first offense, a fine of not less than twenty-five dollars (\$25.00);
- (2) For the second offense, a fine of not less than fifty dollars (\$50.00).

(Ord. No. 2009-656, § 6, 11-9-09)

GOLF CART REGULATIONS

As of April 2021, there are new updates to golf cart laws and regulations in the City of Nassau Bay.

Highlights: Golf carts need to have a special golf cart license plate to drive on public roadways. Also, a driver's license is also REQUIRED to operate a golf cart.

ITEM #7.



NEW UPDATES TO GOLF CART Laws & Regulations

Golf carts need to have a special
GOLF CART LICENSE PLATE
to drive on public roadways.

A driver's license is also
REQUIRED
to operate a golf cart.

Anyone operating a golf cart on a public roadway must have a driver's license.

**Texas Attorney General Ken Paxton ruling on April 5, 2021.*

CHANGES

to golf cart operation requirements:

GOLF CARTS OPERATING ON PUBLIC ROADWAYS MUST DISPLAY A SPECIAL LICENSE.



The Texas Department of Motor Vehicles does not register golf carts, but a "golf cart" license plate can be obtained from the Harris County Tax Assessor-Collector office.

To obtain a golf cart license plate:

- ◆ Complete Form 130-U.
- ◆ On the application, mark the non-title registration box on the top of the application.
- ◆ Pay a \$14.75 fee for the plate.
- ◆ Mail-in the form or schedule an appointment for an in-person visit at www.hctax.net.

The golf cart license plate does not change where and when golf carts are allowed to operate on public roads.

Slow moving emblems are still required on golf carts within the City.

Anyone operating a golf cart on a public roadway must have a driver's license. (*Texas Attorney General Ken Paxton ruling on April 5, 2021.)

Changes to golf cart operation requirements:

Golf carts operating on public roadways **MUST** display a special license.

The Texas Department of Motor Vehicles does not register golf carts, but a "golf cart" license plate can be obtained from the Harris County Tax Assessor-Collector office.

To obtain a golf cart license:

- Complete Form 130-U.
- On the application, mark the non-title registration box on the top of the application.
- Pay a \$14.75 fee for the plate.
- Mail-in the form or schedule an appointment for an in-person visit at www.hctax.net.

The golf cart license plate does not change where and when golf carts are allowed to operate on public roads.

ITEM #7.

Golf carts must have a minimum of four wheels and operate no faster than 25 miles per hour. Motorized vehicles commonly referred to as ATVs, four-wheelers, mules, and gators are specifically prohibited from use on Nassau Bay roadways and parks.

Golf carts are not allowed to be operated on state highways, which would include NASA Rd 1/NASA Parkway. Golf carts are not allowed to be driven on sidewalks or in city parks, except for park roads and parking areas. No carts are to be driven or parked on the grass areas of the city parks. Golf carts cannot overtake another vehicle in the same lane of traffic and cannot pass between lanes of traffic or adjacent lines of rows of vehicles.

Slow-moving emblems are still required on golf carts within the City. Each golf cart must have the following working equipment, operational headlights and taillights, side reflectors, parking brake, and rear-view mirrors.

In general, golf carts in the City are regulated by Chapter 17, Article IV - GOLF CARTS of the City's Code of Ordinances. You can view this section of the Code by clicking here: [**Chapter 17, Article IV - Golf Carts**](#) **(link)**.



CONTACT US

1800 Space Park Drive
Suite 200
Nassau Bay, TX 77058
Phone: 281-333-4211

QUICK LINKS

[Harris County Office of Emergency Management](#)
[Nassau Bay Weather - Monitored for Fire Station](#)

FAQS

- [Is my water meter reading correct? My bill seems higher than usual.](#)
- [What would cause my water bill to be higher than normal?](#)

QUICK LINKS

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Golf Cart Information

The City of Kemah is a fantastic area to enjoy a golf cart ride with friends and family. It's no secret that residents and visitors use this method of transportation to explore our city and be a part of our year round events and activities, including parades.

Below you will find a list of things you should be aware of concerning the safety, rules, and regulations surrounding the use of your golf cart:

- A golf cart is a motor vehicle designed by the manufacturer primarily for use on a golf course.
- The TxDMV does not title and register golf carts, but they must display a license plate when operated on roads authorized by the city or county. A license plate is required if you travel outside of the city or cross a state highway, such as FM 518.
- To request and obtain a golf cart license plate, take the following to your county tax assessor-collector's office:
 1. Form 130-U (Found [here](#))
 2. Evidence of ownership

3. Proof of insurance

4. Driver's License

ITEM #7.

- Remember: While golf carts don't require insurance to register them, they do require insurance to be operated on the roadway. You will need the make, model, year, and Vehicle Identification Number (VIN) to register your golf cart with your insurance company, and you must carry the insurance with you!
- Golf carts may be operated only by persons with a valid driver's license.

Golf Carts must have the following minimum equipment:

- Headlights
- Tail lights
- Reflectors
- Mirrors
- Parking brake
- Slow-moving vehicle emblem (If operated on the roads at a speed of 25 mph or less)

These regulations also apply to ATVs, ROVs, and UTVs. You can find the guidelines for golf carts and other low-speed vehicles at www.txdmv.gov under the unique vehicles tab.



Gateway to the Bay™

 Government Websites by CivicPlus®

ORDINANCE NO. 2022-O-14

AN ORDINANCE REGULATING THE USE OF GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES, AND OTHER TYPES OF RECREATIONAL OFF-HIGHWAY VEHICLES; PROVIDING FOR CODIFICATION; FIXING A PENALTY FOR FAILURE TO COMPLY WITH SUCH ORDINANCE; REPEALING ANY CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PALACIOS, TEXAS.

SECTION 1. Chapter 12 of the City of Palacios Code of Ordinances is hereby amended to add new Article 12.11, Golf Carts, Neighborhood Electric Vehicles and other Types of Recreational Off-Highway Vehicles, as follows:

ARTICLE 12.11 GOLF CARTS, NEIGHBORHOOD ELECTRIC VEHICLES AND OTHER TYPES OF RECREATIONAL OFF-HIGHWAY VEHICLES

Sec. 12.11.001. Definitions.

These terms shall have the following meanings:

All-terrain vehicle means a motor vehicle that is:

1. Equipped with a seat or seats for the use of:
 - a. The rider; and
 - b. A passenger(s), if the motor vehicle is designed by the manufacturer to transport a passenger(s);
2. Designed to propel itself with three or more tires in contact with the ground;
3. Designed by the manufacturer for off-highway use;
4. Not designed by the manufacturer primarily for farming or lawn care; and
5. Not more than 50 inches wide.

City means the City of Palacios, Texas.

Daytime means the period beginning one-half hour before sunrise and ending one-half hour after sunset.

Golf cart shall have the meaning assigned by Texas Transportation Code § 502.001, as amended, which currently defines it as a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. It must have a minimum of four wheels and have an attainable top speed not greater than 25 miles per hour on a paved level surface and be manufactured primarily for transporting persons on a golf course and in compliance with those federal motor vehicle safety standards for low-speed vehicles. The term "Golf cart" shall not include those motorized conveyances commonly referred to as All-terrain vehicles ("ATVs"), off-road vehicles (also known as "ROVs"), four-wheelers, mules, gators, and design-altered Golf carts which have been altered to allow them to travel at a speed greater than 25 miles per hour.

Neighborhood electric vehicle (NEV) (includes low speed vehicles "LSV") means a vehicle that can attain a maximum speed of 35 miles per hour on a paved

level surface and otherwise complies with the definition of a "Neighborhood Electric Vehicle" as defined by Tex. Transp. Code §551.301 or with Federal Motor Vehicle Safety Standard No. 500; Low-Speed Vehicles (Effective Sept. 5, 2017). This standard specifies requirements for low-speed vehicles. A low-speed vehicle is a gasoline or electric powered four-wheeled motor vehicle, other than a truck, whose attainable speed is more than 32 km/h (20 mph) and not more than 40 km/h (25 mph). The standard requires ten specific items of safety equipment. [Not listed. See Texas Transportation Code § 551.301] ** Has a normal maximum speed of 20—25 mph (LSV) or 20—35 mph (NEV). The term "Neighborhood electric vehicle" shall not include those motorized conveyances commonly referred to as All-terrain vehicles ("ATVs"), off-road vehicles (also known as "ROVs"), four-wheelers, mules, or gators.

Nighttime means the period beginning one-half hour after sunset and ending one-half hour before sunrise.

Operate shall mean driving.

Operator means any person driving and having physical control over the motor vehicle.

Park or *Parking* means the standing or stopping of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Parking area means those areas accessible to the public by motor vehicular traffic and which are designated for temporary Parking of motor vehicles, usually in places referred to as Parking lots.

Recreational off-highway vehicle means a motor vehicle that is:

1. Equipped with a seat or seats for the use of:
 - a. The rider; and
 - b. A passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;
2. Designed to propel itself with four or more tires in contact with the ground;
3. Designed by the manufacturer for off-highway use by the Operator only; and
4. Not designed by the manufacturer primarily for farming or lawn care.

Street means a public roadway in the City of Palacios, Texas by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that is open to vehicular traffic.

Sec. 12.11.002. Limited operation.

- A. Golf carts and NEV's are permitted to be Operated on:
 1. Streets where the posted speed limit is 35 miles per hour or less,
 2. A Parking area as defined by this article.
- B. A Golf cart/NEV may be driven across intersections where the cross Street has a posted speed limit of more than 35 miles per hour.
- C. Nighttime driving of a Golf cart/NEV is prohibited. A Golf cart/NEV may only be driven during the Daytime.
- D. A NEV/ Golf Cart may drive across intersections where the cross-Street has a posted speed limit of more than 35 miles per hour, even if the cross-Street is otherwise a prohibited Street under this article.

- E. Notwithstanding anything in this section 12.11.002 to the contrary, Golf Carts and Neighborhood Electric Vehicles may be operated on public streets for activities related to parades permitted under this chapter and events organized or sponsored by the City of Palacios.
- F. The operation of a Golf Cart/NEV shall be prohibited on any sidewalk, seawall, or beach.

Sec. 12.11.003. Required equipment—Golf cart/NEV's.

- A. A Golf Cart/NEV Operated under this article must be equipped, at a minimum, with the following equipment as mandated by the Texas Transportation Code § 551.404(b), as amended, and/or required by the City to Operate on permitted locations:
 - 1. Operational headlamps;
 - 2. Operational tail lamps;
 - 3. Side reflectors;
 - 4. Operational Parking brake; and
 - 5. Rearview mirror(s).
 - 6. Turn signals;
 - 7. Horn;
 - 8. Brake lights;
 - 9. Seat belts;
 - 10. A safety-orange flag on a six-foot fiberglass whip pole; and
 - 11. Windshield
- B. A Golf cart that is Operated at a speed of not more than 25 miles per hour shall display a "slow-moving-vehicle emblem" as defined by Texas Transportation Code § 547.703.
- C. Equipment, and its installation and maintenance, must meet standards provided by the Texas Transportation Code, as amended.
- D. Golf Carts/NEV's must be inspected by the Palacios Police Department not less than once per year for compliance with this section. The fee for inspection is \$10.00, to be paid by the owner prior to the inspection, such fee shall not be refunded if the golf cart fails the inspection. Upon verification of compliance with this section, the Palacios Police Department shall affix a decal to the vehicle, indicating the date of inspection, the inspector's name and signature, and a statement that the vehicle complies with this section.

Sec. 12.11.005. Operator regulations.

- A. All Operators of Golf carts or NEVs shall:
 - 1. Be licensed to Operate a motor vehicle as provided by Texas Transportation Code § 521.021, as amended, and carry a valid Driver's license as provided by Texas Transportation Code § 521.025, and all state law Driver's license permissions and restrictions shall apply to the operation of a Golf cart or NEV;

2. Abide by all state and local traffic regulations applicable to vehicular traffic;
3. Not Operate or park on a sidewalk or hike and bike trails at any time;
4. Not use the vehicle to pull any object or person at any time;
5. Not exceed the seating capacity of the vehicle as designed by the manufacturer;
6. Remain seated at all times while the vehicle is in motion, and ensure the same for passengers. Passengers can be issued a citation for not remaining seated while vehicle is moving;
7. Maintain financial responsibility as defined in Texas Transportation Code § 601.051; and
8. Not intentionally or knowingly allow an unlicensed Operator to Operate the vehicle.
9. Use headlights at all times the Golf Cart or Neighborhood Electric Vehicle is in operation.

Sec. 12.11.006. All-terrain vehicles, Recreational off-highway vehicles.

It shall be unlawful for a person to Operate an ATV or ROV on a Public Street or location except as provided by state law and this section. A person may only drive across a public Street or highway that is not an interstate or limited-access highway, if done so in accordance with state law. (See Texas Transportation Code § 663.037, and as amended.)

Sec. 12.11.009. Penalties.

Only warning citations may be issued for the first 30 days following the effective date of this article so that an educational effort by the City may be conducted to inform the public about the importance and requirements of this article. In addition to traffic violations for which the owner or driver of the Golf cart or NV may be subject to pursuant to state law, any person who violates this article shall be guilty of a misdemeanor punishable by a fine of \$200.00;

Each day's violations shall constitute a separate and distinct offense. Any prior conviction under this article will count towards a second and third charge regardless of when it occurred.

SECTION 2. It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Palacios, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney.

SECTION 3. Failure to comply with any provision of this ordinance shall be punished by a fine not to exceed Two Hundred and No/100 (\$200.00) per day that said person is in violation of this Ordinance.

SECTION 4. If any part of this ordinance is, or should be held invalid for any reason, then that fact shall not invalidate the entire ordinance, but the balance thereof shall remain in full force and effect.

SECTION 5. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 6. The City Secretary shall publish this Ordinance as required by City Charter.

SECTION 7. This ordinance shall become effective upon the final passage date shown below.

First Reading this the 1st day of December 2022.

Chip Woolf
Chip Woolf, Mayor Pro Tem.

RECORD OF VOTE

Council Member:	Voted Aye	Voted No	Absent
Jim Gardner, Mayor	_____	_____	_____ ✓
Larry Glenn	_____ ✓	_____	_____
Sharon Trainor	_____ ✓	_____	_____
Chip Woolf	_____ ✓	_____	_____
Troy Lewis	_____ ✓	_____	_____
Raylynn Samora	_____ ✓	_____	_____
Michael Dotson	_____ ✓	_____	_____

Second Reading this the 12th day of January 2023.

Jim Gardner
Jim Gardner, Mayor

RECORD OF VOTE

Council Member:	Voted Aye	Voted No	Absent
Jim Gardner, Mayor	_____ ✓	_____	_____
Larry Glenn	_____ ✓	_____	_____
Sharon Trainor	_____ ✓	_____	_____
Chip Woolf	_____ ✓	_____	_____

Troy Lewis	<u>✓</u>	_____	_____
Raylynn Samora	<u>✓</u>	_____	_____
Michael Dotson	_____	_____	<u>✓</u>

PASSED AND APPROVED this 12th day of January 2023.

Jim Gardner
Jim Gardner, Mayor

ATTEST:
Aleisha Galvan
Aleisha Galvan, City Secretary

APPROVED AS TO FORM AND CONTENT:

Anne Marie Odefey
Anne Marie Odefey, City Attorney



COUNCIL MEMBER LIAISON RESPONSIBILITY JUNE 2023

DEPARTMENTS	COUNCIL MEMBERS
<i>Parks & Recreation and Airport</i>	Mayor Pro Tem Jim Folse
<i>Municipal Court, Code Enforcement, Fire Marshal</i>	Councilman Blayne Finlay
<i>City Hall and Records Management</i>	Mayor Robert Nelson
<i>Finance, Safety and Insurance</i>	Councilwoman Becca Sitz
<i>Police and Fire</i>	Councilman Benjamin Flores
<i>Public Works, Public Utilities, Inspections, and Maintenance</i>	Councilman Brad Westmoreland