



# CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, July 11, 2023 at 6:00 PM  
COUNCIL CHAMBERS | 1901 5th Street

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## 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.*

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## AGENDA

**THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:**

*ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).*

### CALL TO ORDER 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."*

*Mayor Pro Tem Jim Folse*

#### 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.*

*Mayor Pro Tem Jim Folse*

**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 June 13, 2023.**
- 2. City Council Workshop Meeting minutes of June 13, 2023.**
- 3. City Council Workshop Meeting minutes of June 15, 2023.**
- 4. City Council Regular Meeting minutes of June 27, 2023.**

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

- 5. Award ~ Recognition of Angel Lee Chavez and his courage to take life saving action. Christella Rodriguez, Chief of Police**
- 6. Public Works~ Discuss CWSRF and DWSRF loan. Dan Olsen, Garver**
- 7. Grant ~ Discuss, consider, and/or approve the Fire Marshall to apply for an LCRA Community Development grant seeking funding for pagers for use by all county Volunteer Fire Departments. Dan Shook, Fire Marshall**
- 8. Resolution ~ Discuss, consider, and/or approve resolution granting execution of an advance funding agreement with the state to replace or rehabilitate Sixth St & Ave I Bridge over Cottonwood Creek. Gabriel Lopez, Engineering Tech**
- 9. Appointment ~ Discuss, consider, and/or approve the appointment of Jonathon Hewitt to the Bay City Community Development Board. Robert Nelson, Mayor**
- 10. Appointment ~ Discuss, consider, and/or approve the election of Mayor Pro Tem. Robert K. Nelson**
- 11. Districts ~ Discussions regarding the formation of an Emergency Services District. Councilwoman Becca Sitz**

**CLOSED / EXECUTIVE SESSION**

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

**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, July 7th, 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 • JUNE 13, 2023

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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

## Councilman

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Benjamin Flores

*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  
Mayor Pro Tem Jim Folse  
Councilwoman Becca Sitz  
Councilman Brad Westmoreland  
Councilman Blayne Finlay  
Councilman Benjamin Flores

**INVOCATION & PLEDGE**

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

*Councilman Benjamin Flores*

**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 Benjamin Flores*

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

There were no public comments.

**CEREMONIAL**

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

Mayor Robert K. Nelson presented Floyce Brown a plaque and signed resolution for her service as a City Council Member.

**2. Award ~ Presentation of 2023 Main Street America Accreditation award. Tina**

Tina Israel, Bay City Main Street Program Manager, presented the 2023 Main Street America Accreditation award for Bay City Main Street achievements.

**ACKNOWLEDGEMENT FROM CITY MANAGER**

Shawna Burkhart, City Manager, presented "I See You" awards to employees Jessica Davis and Mike Burchard for Excellent Customer Service to the Lynn Group. Ms. Burkhart also acknowledged Wesley Davis for doing a stellar job in Public Works.

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

Councilman Westmoreland stated that he appreciates the job Wesley Davis is doing. Councilman Westmoreland also stated that he still has concerns about the gentleman driving lawnmower on streets and that it is a safety issue. Mayor Pro Tem Folse also thanked Wesley Davis.

**REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL****3. Planning ~ Discuss, consider and/or adopt the City's Strategic Plan and Council Goals for Fiscal Year 2024. Shawna Burkhart, City Manager**

Motion made by Councilwoman Sitz to adopt the City's Strategic Plan and Council Goals for Fiscal Year 2024, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay, Councilman Flores. Motion carried.

**4. Discuss, consider and/or approve sharing the cost of rehab on 12th Street with Matagorda County. Shawna Burkhart, City Manager**

Motion made by Councilwoman Sitz to approve sharing the cost of rehab on 12th Street with Matagorda County, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay, Councilman Flores. Motion carried.

**5. 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**

Mayor Pro Tem Folse brought attention to wrong Fire code used and Councilman Flores addressed drone definition.

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

### **CLOSED / EXECUTIVE SESSION**

Council adjourned into an executive session at 6:35 pm.

- 6. 551.072 Real Estate**
- 7. Section 551.074 Personnel matters - City Manager reorganization of staff.**
- 8. 551.071 (2) ~ Attorney client privilege contemplated litigation.**

### **RECONVENE AND ACTION**

Council reconvened back into regular session at 8:21 pm.

Motion on item #6 made by Councilwoman Sitz to authorize the sale of property located at 2318 Avenue K via sealed bid, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay, Councilman Flores. Motion carried.

No action taken on items #7 and #8.

### **ADJOURNMENT**

Motion made by Councilwoman Sitz to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay, Councilman Flores. Motion carried and council adjourned at 8:32 pm.

**PASSED AND APPROVED**, this 11th day of July 2023.

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

\_\_\_\_\_  
JEANNA THOMPSON  
CITY SECRETARY

# CITY OF BAY CITY

MINUTES • JUNE 13, 2023

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**COUNCIL  
CHAMBERS | 1901  
5th Street**

**City Council Workshop**

**4:30 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

**Councilman**

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Benjamin Flores

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**CALL TO ORDER**

The meeting was called to order by Mayor Robert K. Nelson at 4:31 pm.

**CERTIFICATION OF QUORUM**

Quorum certified.

**PRESENT**

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

**PUBLIC COMMENTS**

Jessica Shepard, Bay City Tourism Board member, is concerned that added responsibilities to the Tourism Director will impact performance. Ms. Shepard also stated that city communications published in the paper should also be in Spanish.

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

1. **Planning ~ Discuss the City's Strategic Plan and Council Goals for Fiscal Year 2024.** Shawna Burkhart, City Manager

Council finalized the strategic plan. Councilwoman Sitz wanted property acquisitions for new roads and drainage opportunities. Councilman Westmoreland requested that its clear in the plan that we are seeking grant funding. Councilman Folse requested a priority list.

2. **Discussion on health insurance for Councilmembers.** Shawna Burkhart, City Manager

Anne Marie Odefey, City Attorney, stated that a resolution would be needed. Shawna Burkhart, City Manager, stated that we can take this up at the next insurance bid date.

3. **Presentation of the use of Automatic License Plate Readers (ALPRs) for assistance in solving crime and proactively assist in the reduction of crime.**

Hector Solman Valdez, Flock Safety, gave a presentation of the Automatic License Plate Readers and benefits. Clayton Ryman, Lieutenant of Bay City Police Department, stated that Flock and the Department reviewed areas and determined

that 8 cameras would be needed to start. Jessica Russell, BCCDC Director, added that they will assist with funding, and they determined that 12 cameras were needed. There were discussions to update the ordinance requiring new subdivisions to install and HOA to provide funding.

## **ADJOURNMENT**

Motion made by Councilwoman Sitz to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilman Flores, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and the meeting adjourned at 5:42 pm.

**PASSED AND APPROVED**, this 11th day of July 2023.

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

\_\_\_\_\_  
JEANNA THOMPSON  
CITY SECRETARY

# CITY OF BAY CITY

MINUTES • JUNE 15, 2023

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COUNCIL  
CHAMBERS | 1901  
5th Street

City Council Workshop – Capital Planning

5:00 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

**Councilman**

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Benjamin Flores

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**CALL TO ORDER**

The meeting was called to order by Mayor Robert K. Nelson at 5:03 pm.

**CERTIFICATION OF QUORUM**

Quorum certified.

**PRESENT**

Mayor Robert K. Nelson  
Councilman Benjamin Flores  
Mayor Pro Tem Jim Folse  
Councilwoman Becca Sitz  
Councilman Brad Westmoreland

**ABSENT**

Councilman Blayne Finlay

**PUBLIC COMMENTS**

There were no public comments.

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

1. **Budget ~ Discuss, Consider, and/or take action on the Ten (10) Year Capital Planning ranking process.** Scotty Jones, Finance Director

Shawna Burkhart, City Manager, and Scotty Jones, Finance Director, presented the ten year capital plan. Department Directors reviewed their needs with council. Councilman Westmoreland asked if chip seal could be used on Highland and Moore to save money and there was a discussion on the longevity of chip seal. Shawna Burkhart discussed drainage issues around the new construction of Tenie Holmes school and that they will ask the school and drainage district to assist with the funding.

The workshop recessed at 6:10 pm and reconvened at 6:28 pm.

Council discussed the Animal Impound facility and loans for patrol units.

Council set the meeting date for the Five Year Capital plan for Thursday, July 20th and will also discuss city surplus real property.

Councilwoman Sitz discussed a paid fire department and she and Ms. Burkhart discussed the funding for a paid fire department.

**ADJOURNMENT**

Motion made by Councilwoman Sitz to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilman Flores, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and the meeting adjourned at 8:49 pm.

**PASSED AND APPROVED**, this 11th day of July 2023.

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

\_\_\_\_\_  
JEANNA THOMPSON  
CITY SECRETARY

# CITY OF BAY CITY

MINUTES • JUNE 27, 2023

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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

**Councilman**

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Benjamin Flores

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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 Becca Sitz  
Councilman Blayne Finlay  
Councilman Benjamin Flores

**ABSENT**

Mayor Pro Tem Jim Folse  
Councilman Brad Westmoreland

**INVOCATION & PLEDGE**

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

*Councilwoman Becca Sitz*

**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.*

*Councilwoman Becca Sitz*

**APPROVAL OF AGENDA**

Motion made by Councilman Finlay to approve the agenda, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried.

**PUBLIC COMMENTS**

David Torrez complained about potholes and felt that the city needed to pay street workers more.

**ACKNOWLEDGEMENT FROM CITY MANAGER**

Shawna Burkhart, City Manager, asked that we honor Scott Sherrill. Scott Sherrill passed away and was a police officer and dispatcher with the city.

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

Councilman Flores thanked the Police Department for their patience regarding the longhorn that slipped in the ditch. Councilman Flores also thanked the directors for their support who he had met with.

Councilman Finlay reminded everyone about the fireworks on July 4th.

Mayor Nelson stated that citizens have been complimentary on the number of streets and potholes fixed.

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

Motion made by Councilman Finlay to approve the consent items, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Sitz, Councilman Finlay, Councilman Flores. motion carried.

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

Shawna Burkhart, City Manager, on behalf of Krystal Mason, Assistant Public Works Director, provided a presentation regarding Public Works stats and project updates.

**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

Darla Ortiz requested the council consider amending city ordinance by allowing golf carts to be driven on city streets. Ms. Ortiz stated that she has spoken to the Chief of Police and Chief Rodriguez has her own concerns. Councilman Flores stated that he was concerned due to the bad drivers in town. Mayor Nelson stated that the topic would require a lot of discussion. Councilman Finlay added that we need to focus on public safety.



- 8. Appointment ~ Discuss, consider, and/or approve the election of Mayor Pro Tem.** Robert K. Nelson

Item tabled till next meeting.

- 9. Policy ~ Discuss, consider, and/or approve the appointment of Council Members as Liaisons to City Administrative Divisions.** Shawna Burkhart, City Manager

Motion made by Councilwoman Sitz to approve liaisons, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried.

### **CLOSED / EXECUTIVE SESSION**

Council adjourned into an executive session at 6:42 pm.

- 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.**

### **RECONVENE AND ACTION**

Council reconvened back into regular session at 7:08 pm. Council took no action on item # 10.

Motion on item #11 made by Councilman Flores to remain on the same council meeting schedule with Dennis Arriaga attending as Assistant City Attorney on 4th Tuesdays, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried.

### **ADJOURNMENT**

Motion made by Councilwoman Sitz to adjourn, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried. Motion carried and council adjourned at 7:10 pm.

**PASSED AND APPROVED**, this 11th day of July 2023.

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

\_\_\_\_\_  
JEANNA THOMPSON  
CITY SECRETARY



**CITY OF BAY CITY**  
 1901 FIFTH STREET  
 BAY CITY, TEXAS 77414  
 (979) 245-2137  
 FAX: (979) 323-1626

## AGENDA ITEM SUBMISSION FORM

Any item(s) to be considered for action by the City Council must be included on this form, and be submitted along with any supporting documentation. Completed Agenda Item Submission forms must be submitted to the City Secretary's Office no later than 4:00 p.m. on the Monday of the week prior to the Regular Council meeting.

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**Requestor Name:** Shook, Daniel **Date Submitted:** 06/28/2023  
*Last, First* *MM/DD/YYYY*

**Requestor Type:** City Staff **Meeting Date:** 07/11/2023  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** Fire Marshal  
*For City Staff Only*

**Agenda Location:** Grant application request  
*(e.g.: Consent Agenda/ Discussion Item/ Public Hearing/ Executive Session/ Presentation)*

### Agenda Content:

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Discuss, consider, and/or approve the Fire Marshall to apply for an LCRA Community Development grant seeking funding for pagers for use by all county Volunteer Fire Departments.

### Executive Summary of Item:

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I would like to apply for an LCRA grant. I will be requesting \$50,000 in funds from the grant, which is a 20% match (to be split with the county). The application period is July 1, 2023, until July 31, 2023. The funds would purchase new pagers for the fire departments. The purchase of the pagers would allow responding volunteer firefighters to be notified of an incident and respond to that incident. Currently, the systems used are not reliable, especially for the departments outside of a 10-mile radius around Bay City. The new pagers would utilize the current P25 radio system used throughout the county, instead of a single radio tower in the middle of Bay City. The purchase of these pagers would also eliminate the cost of a fiber line from Bay City PD to the tower on Starling.

# INTRODUCING G-Series P25 Voice Paging Solutions

## **G4** Industry First P25 Voice PAGER

**Supports**  
P25 Conventional  
P25 Phase I & Phase II Trunking

**Available In**  
700 - 800MHz



## **G5** Industry First Dual Band P25 Voice PAGER

**Supports**  
Analog 2-Tone Conventional  
P25 Conventional  
P25 Phase I & Phase II Trunking

**Available In**  
VHF & 700 - 800MHz  
UHF & 700 - 800MHz



**Features Included:**

- Up to 256 Channels*
- IP67 RATING - Waterproof & Dustproof*
- Submersible up to 3ft/30 Minutes*
- High Impact Resistant Color Screen*
- Rugged Housing*

- Custom Wav Files Alerts*
- Bluetooth*
- 32 Minutes Voice Storage*
- 32 Minutes Voice Memo*
- 2 Year Standard Warranty (Optional 3+)*

# Key Features

**G4 Model Includes:**

- Accommodates Multiple P25 Trunked and P25 Conventional Systems
- Supports the 800MHz Analog Frequencies
- Supports up to 256 Control Channels/per Trunked System
- Supports Full Spectrum Scan for P25 Trunked System
- Supports Multiple TGIDs for Monitoring and Alerting
- Supports Priority TGID Scan
- Supports Multiselect for Efficient Use of Traffic Channels
- Allows for Customized Alerts using WAV/MP3 Files
- Alerting Options based on a Selector Knob Setting



**G5 Model Has All of the Above Features Plus:**

- Each Band Supports P25 Trunking, P25 Conventional, Conventional Channel Monitoring and 2-Tone Decoding
- Full 2-Tone Function Mode Support (Selective Call, Monitor, Scan Options)
- Supports Multiple 2-Tone Codes per Frequency

| Models                                       | Frequency Range   |
|--|---|
| G4 P25 Voice Pager - 700 - 800MHz            | 763-776MHz, 851-870MHz  |
| G5 Dual Band Voice Pager- VHF & 700 - 800MHz | VHF: 136-174MHz/ 763-776MHz, 851-870MHz   |
| G5 Dual Band Voice Pager- UHF & 700 - 800MHz | UHFA: 330 - 400MHz/ 763 - 776MHz, 851 - 870MHz<br>UHF B: 380 - 430MHz/ 763 - 776MHz, 851 - 870MHz<br>UHF C: 400 - 470MHz/ 763 - 776MHz, 851 - 870MHz<br>UHF D: 450 - 520MHz/ 763 - 776MHz, 851 - 870MHz |

**Both Models Feature:**

- Up to 256 Channels*
- IP67 RATING Waterproof & Dustproof*
- Submersible up to 3ft for 30 Minutes*
- High Impact Resistant Color Screen*
- Rugged Housing*
- 2 Year Standard Warranty/ 3 Year Addition Available*

- Custom WAV File Alerts*
- Out of Range Alert*
- Bluetooth*
- 32 Minutes Voice Storage*
- 32 Minutes Voice Memo*

# Technical Specifications

|                                     |                |                                  |                              |
|-------------------------------------|----------------|----------------------------------|------------------------------|
| <b>Sensitivity</b>                  | -116dBm        | <b>Ingress Protection Rating</b> | IP67- Waterproof/Dustproof   |
| <b>Sensitivity/12dB SINAD</b>       | 6 uV/M         | <b>UL</b>                        | Class I, Div. II             |
| <b>Frequency Stability</b>          | +1ppm          | <b>FCC</b>                       | FCC Part 15                  |
| <b>Adjacent Channel Selectivity</b> | >60dB          | <b>MIL-STD</b>                   | 810E, Proc1 for Driving Rain |
| <b>Spurious</b>                     | >70dB          | <b>Channel Spacing</b>           | 25kHz/12.5KHz/6.25KHz        |
| <b>Image Rejection</b>              | >70dB          | <b>Battery</b>                   | 2800 mAH Lithium Ion         |
| <b>Audio Output Linear</b>          | >300mW         | <b>Weight (w/out Battery)</b>    | <220g                        |
| <b>Audio Distortion</b>             | <2%            | <b>Size (mm)</b>                 | 102 x 61 x 31.5              |
| <b>Speech SPL (at 12 inches)</b>    | 96dB +3dB/-2dB | <b>Temperature Range</b>         | -20C ~ +40C                  |
| <b>Alert SPL (at 12 inches)</b>     | 96dB +3dB/-    |                                  |                              |



**From:** [Daniel Shook](#)  
**To:** [Jeanna Thompson](#)  
**Date:** Wednesday, June 28, 2023 10:18:32 AM

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### [Community Grant Program - LCRA - Energy, Water, Community](#)



## Community Grant Program - LCRA - Energy, Water, Community

LCRA supports local communities in its service area through grants of up to \$50,000 through the Community Development Partnership Program (CDPP).

[www.lcra.org](http://www.lcra.org)

## About the program

CDPP grants help local governments, emergency responders and tax-exempt nonprofit organizations fund capital improvement projects that might otherwise not be possible. Grant-funded projects must have physical addresses located within LCRA's wholesale electric or water service area, or areas in which LCRA Transmission Services Corporation provides transmission services. [View a map of LCRA's service areas.](#)

Organizations in all or part of the following counties are eligible for CDPP grants: Aransas, Austin, Bandera, Bastrop, Blanco, Brown, Burleson, Burnet, Caldwell, Callahan, Cameron, Coke, Coleman, Colorado, Comal, Concho, Coryell, Crane, Crockett, Culberson, DeWitt, Dimmit, Eastland, Ector, Edwards, Fayette, Gillespie, Goliad, Gonzales, Guadalupe, Hamilton, Harris, Hays, Hidalgo, Karnes, Kendall, Kerr, Kimble, Kinney, Lampasas, Lavaca, Lee, Llano, Mason, Matagorda, Maverick, McCulloch, Medina, Menard, Midland, Mills, Nolan, Nueces, Pecos, Real, San Patricio, San Saba, Schleicher, Starr, Sterling, Sutton, Taylor, Terrell, Tom Green, Travis, Upton, Uvalde, Val Verde, Waller, Washington, Wharton, Williamson and Zavala.

CDPP grants are awarded twice a year for capital projects for volunteer fire

departments, emergency responders, cities and counties, schools, libraries, civic groups, museums and other tax-exempt nonprofit organizations. The projects must benefit or be available to an entire community and must improve the value of a capital asset by building, renovating or purchasing equipment.

Examples of recent awards include funding for emergency equipment for first responders; improvements to fire stations, parks, libraries and community centers; energy-efficient lighting and electrical upgrades for museums and community sports fields; air conditioning units for convention centers; rainwater catchment systems; and roof repairs and handicapped-accessible ramps for local museums and community halls.

Social service projects and limited-use facilities such as food pantries, transitional housing and substance abuse facilities are not eligible for CDPP funding. CDPP grants may not be used for planning or consultants, or training, workshops or seminars (with the exception of public firefighting organizations, including volunteer fire departments). Other ineligible projects include those that already are completed; in fundraising mode; religious sanctuaries or church-sponsored facilities that can be used only by members; land acquisition; debt-reduction campaigns; capital campaigns; program operating costs; administrative and/or indirect costs, such as personnel and overhead expenses, as well as grant writing and/or consulting fees; computer and/or video equipment or software; furniture; appliances; office equipment; or batteries.

Online grant applications are available in January and July.

Applicants requesting more than \$5,000 in grant funding must supply matching funds of at least 20 percent of the total project cost. Grants larger than \$25,000 are intended for particularly impressive and noteworthy projects with a far-reaching impact on a broad community. The larger grant category is extremely competitive, as funding in the \$25,000+ category is limited to 30 percent of the grants awarded. There is a minimum request of \$1,000.

The CDPP program places emphasis on projects for volunteer fire departments and those that address needs caused by wildfires or drought conditions, or include water conservation, energy efficiency or educational components.

Thank You,

Dan Shook, Fire Marshal  
City of Bay City  
Phone: 979-318-7130  
Cell: 979-479-2348  
1900 5th St  
Bay City, TX 77414

The wicked flee though no one pursues, but the righteous are as bold as a lion.

Proverbs 28:1

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**CITY OF BAY CITY**  
1901 FIFTH STREET  
BAY CITY, TEXAS 77414  
(979) 245-2137  
FAX: (979) 323-1626

## AGENDA ITEM SUBMISSION FORM

Any item(s) to be considered for action by the City Council, must be included on this form, and be submitted along with any supporting documentation. Completed Agenda Item Submission forms must be submitted to the City Secretary's Office no later than 4:00 p.m. on the Monday of the week prior to the Regular Council meeting.

**Requestor Name:** Lopez, Gabriel **Date Submitted:** 07/05/2023  
*Last, First* *MM/DD/YYYY*

**Requestor Type :** City Staff **Meeting Date:** 07/11/2023  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** Engineering Technician  
*For City Staff Only*

**Agenda Location:** Discussion Item  
*(e.g.: Consent Agenda/ Discussion Item/ Public Hearing/ Executive Session/ Presentation)*

### Agenda Content:

**Discuss, consider, and/or approve resolution granting execution of an advance funding agreement with the state to replace or rehabilitate Sixth St & Ave I Bridge over Cottonwood Creek.**

### Executive Summary of Item:

The Highway Bridge Replacement and Rehabilitation Program (HBRRP) is federal-aid program that provides funding to enable communities to improve the conditions of off-system bridges through replacement, rehabilitation, and systematic preventive maintenance. This includes any bridges located on a public road other than on a Federal-aid highway. Eligible bridges must meet the classification of being structurally deficient or obsolete.

The Infrastructure Investment and Jobs Act (IIJA), signed into law in November 2021, includes a substantial apportionment for funding off-system bridge projects. Typically, the bridges are funded 80/10/10 (federal/state/local). However, the state has determined that any off-system bridges letting between now and FY 2026 will be approved to be funded 100% federal funds using the IIJA as well as well as through HBRRP funding.

It is staff's recommendation to approve the resolution granting the execution of an advanced funding agreement with the Texas Department of Transportation.



## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY OF BAY CITY, TEXAS APPROVING  
EXECUTION OF AN ADVANCE FUNDING AGREEMENT WITH THE STATE**

**WHEREAS**, the federal off-system bridge program is administered by the Texas Department of Transportation (the State) to replace or rehabilitate structurally deficient and functionally obsolete (collectively referred to as deficient) bridges located on public roads and streets off the designated state highway system; and

**WHEREAS**, City of Bay City, hereinafter referred to as the Local Government owns bridges located at Sixth St & Ave I over Cottonwood Creek, National Bridge Inventory (NBI) Structure Number 13-158-0-B001-85-001, State Control-Section-Job (CSJ) Number 0913-21-056; and

**WHEREAS**, a project to remedy the bridge is included in the currently approved program of projects as authorized by Texas Transportation Commission Minute Order Number 0913-21-062; and

**WHEREAS**, a project to remedy the bridge is included in the currently approved program of projects as authorized by Texas Transportation Commission Minute Order Number **116292**. Dated **08/30/2022**; and

**WHEREAS**, federally-eligible items of work for this project are approved for 100% federal and state funding through the Infrastructure Investment and Jobs Act (IIJA) as well as the Highway Bridge Replacement and Rehabilitation Program (HBRRP).

**WHEREAS**, the typical estimated local match fund participation requirement for federally-eligible items of work is waived in full for CSJ 0913-21-062.

**WHEREAS**, any non-eligible items of work will be paid by the Local Government; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BAY CITY, TEXAS, THAT:**

the Local Government approves the execution of an Advance Funding Agreement with the State. The City Mayor is authorized to execute the agreement on behalf of the Local Government.

**PASSED AND APPROVED AT BAY CITY TEXAS THIS 11TH DAY OF July, 2023.**

\_\_\_\_\_  
Robert K. Nelson, Mayor  
City of Bay City

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeanna Thompson, City Secretary

\_\_\_\_\_  
Anne Marie Odefey, City Attorney



# CITY OF BAY CITY VOLUNTEER INTEREST FORM

Dear Resident:

This form will let the City Council know of your interest and qualifications to serve on a City board or commission. You are encouraged to contact the Mayor concerning your nomination. You may also submit a resume or brief background information regarding your qualifications. This form will be kept on file for a period of two years in the City Secretary's office.

PLEASE TYPE OR PRINT:

Date: 05/29/2023  
Name: Jonathon Clint Hewitt Home Address: [REDACTED]  
City: Markham State Texas Zip 77456  
Home Phone: [REDACTED] Business Phone: [REDACTED]  
Employer: South Texas project Occupation: Materials Coordinator  
E-mail: [REDACTED]  
Resident of the Bay City Corporate City Limits: (circle one)  Yes  No  
Resident of City for 12 years

I am interested in serving on the following boards:

(Boards and Committees include: Bay City Community Development Corporation (BCCDC), Main Street, Planning Commission, Historic Commission, Convention and Visitor Bureau (CVB), and Housing Authority)

|   |                                 |
|---|---------------------------------|
| 1.) Bay City Community Development Corp (BCCDC) ----- | 3.) Select Third Choice: -----  |
| 2.) Select Second Choice: -----                       | 4.) Select Fourth Choice: ----- |

Please list any involvement in civic groups or clubs, current or past service on city boards, or other information qualifying you for service:

Serve outdoors  
Bay city FFA alumni and supporters  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
eSigned via SeamlessDocs.com

Signature

Return completed form to the City Secretary's Office: 1901 5th Street, Bay City, Texas 77414

**Legal Q&A**  
**By Bill Longley**  
 TML Legislative Counsel

**What is an emergency services district?**

An emergency services district (ESD) is a political subdivision established pursuant to Chapter 775 of the Texas Health and Safety Code. An ESD generally supports or provides local emergency services, which can include emergency medical services and fire protection services.

An ESD has the ability to impose both a sales and use tax and a property tax to support or provide emergency services within the district. *See* TEX. HEALTH AND SAFETY CODE §§ 775.074, 775.0751. An ESD's sales and use tax rate can range from anywhere between one-eighth of one percent to two percent. *Id.* § 775.0751(a). An ESD's property tax, meanwhile, may not exceed ten cents per \$100 of valuation. *See* TEX. CONST. art. III, §. 48-e.

**Can an ESD be created in a city's territorial limits or extraterritorial jurisdiction without city consent?**

No. Before an ESD may be created that contains territory in a city's limits or extraterritorial jurisdiction (ETJ), the proponents of the ESD must submit a written request to the city council to include the territory in the ESD. TEX. HEALTH AND SAFETY CODE § 775.014(a). The territory in question may not be included in the ESD unless the city council gives its written consent on or before the 60<sup>th</sup> day after the date the request is received. *Id.*

If the city council does not approve the request, a majority of the qualified voters and the owners of 50 percent of the property in the city limits or ETJ that would have been included in the ESD may petition the city council to make the emergency services available. *Id.* § 775.014(b). The petition must be submitted not later than the 90<sup>th</sup> day after the date the city council received the initial request. *Id.* If the city council refuses or fails to act on the petition within six months after the petition is received, the council's refusal or failure to act constitutes consent for the territory to be included in the district. *Id.* § 775.014(c).

If the city council consents to the creation of the ESD within territory located in the city limits or ETJ, or if consent is inferred due to inaction on the petition, several steps—including an election ordered by the county commissioners court—must still take place in order for the ESD to be created.

**Once a city consents to having its territory included in an ESD, can the city later remove the city territory from the ESD?**

Likely not. There is no clear authority in Chapter 775 of the Health and Safety Code for a city to remove itself or a portion of its territory from an ESD after it initially consented to the inclusion of its territorial or extraterritorial jurisdiction when the ESD was formed.

**When a city annexes, can it remove territory from the jurisdiction of an ESD?**

Yes, but only if certain conditions are met. A city that annexes territory that is included in an ESD may remove the territory from the ESD if the city completes all procedures necessary to annex territory in the district and if the city intends to become the sole provider of emergency services to the annexed territory by the use of city personnel or by some method other than by use of the ESD. *Id.* § 775.022(a). The city must send written notice by certified mail to the secretary of the ESD board of directors notifying the ESD of the annexation and intent to provide emergency services. *Id.* Upon receipt of the notice, the ESD board must immediately change its records to show that the territory has been disannexed from the ESD and shall cease to provide further services to the residents in the newly-annexed area. *Id.*

A city that removes annexed territory from an ESD must compensate the ESD immediately after annexation in an amount equal to the annexed territory's pro rata share of the ESD's bonded and other indebtedness. *Id.* § 775.022(b). In addition, at the ESD's request, a city that removes annexed territory from an ESD must purchase from the ESD at fair market value any real or personal property used to provide emergency services in the annexed territory. *Id.* § 775.022(d).

**Can an ESD expand its boundaries into the city limits or a city's ETJ without city council approval?**

This issue has been the source of some debate amongst ESDs and cities in recent years. Texas Health and Safety Code Section 775.051 contains the legal guidelines for expansion of ESD territory. In short, the statute provides that at least 50 percent of the qualified voters who own taxable real property in a defined area may petition the ESD board of directors to hold an election on the question of including the defined area in the ESD. *Id.* § 775.051. Section 775.051 of the Health and Safety Code makes no specific mention of the ESD's need to receive city council approval when expanding its territory to include an area located in a city's corporate limits or ETJ. That being said, an ESD must get council approval when initially *creating* an ESD within the corporate limits or ETJ of a city (as detailed above), so some cities argue that city council approval should similarly be sought when *expanding* an ESD into city territory.

In 2013, legislation was filed to bring some clarity to the issue. H.B. 1798 would have provided that an ESD must follow essentially the same procedure for receiving city council approval when it expands its jurisdiction as it follows when the ESD is initially created. H.B. 1798 did not pass, so the statute remains silent on the question of city council approval for expansion of the ESD into city territory.

**When a city annexes territory also served by an ESD, does the city's sales and use tax apply in the newly annexed area?**

The answer to this question depends on the ESD's sales and use tax rate in the area annexed by the city. Section 321.102 of the Texas Tax Code governs the application of the city sales and use tax in the event of a change in a city's boundaries. With some limited exceptions, that section provides that a city sales tax displaces the sales tax of another entity (like an ESD) that previously levied a tax within the annexed territory. TEX. TAX CODE § 321.102(e). In the event of annexation, the ESD's tax in the annexed area is automatically reduced to an amount which,

when added to the municipal sales tax, does not exceed the local cap of two percent. *Id.* In many cases this reduces the ESD's tax to zero, but if the annexing city had a tax rate of less than two percent the ESD is allowed to continue to levy whatever portion of its tax that would not exceed two percent in combination with the city tax.

However, when the sales tax of an ESD is reduced as a result of city annexation, the ESD is kept whole by the comptroller's deduction of a corresponding amount from the sales and use tax of the annexing city. *Id.* § 321.102(f). The deducted amount is then paid to the ESD. *Id.* This is the provision that ESDs rely on to continue to obtain the sales and use tax revenue they were receiving prior to the city annexation. For example, under current law, if both a city and an ESD have a sales tax of two percent, the comptroller would withhold two percent from the city and pay that amount to the ESD. As a result, the city would not be able to keep any sales tax revenue in the newly annexed area. More commonly, a city will collect some sales and use taxes in the newly-annexed area, but not the entire amount that would otherwise be collected if there was not an overlapping ESD serving the area.

**What tools are available for cities and ESD's to share sales tax revenue in a newly-annexed area that is also served by the ESD?**

The inability of some cities to collect some or all of their sales and use taxes in newly-annexed territory due to the imposition of an ESD sales and use tax brought about legislation in 2013 that helped address how sales and use taxes are divided between cities and ESDs. The legislature passed H.B. 3159, which authorizes a city and ESD to work together and enter into a written agreement on how to allocate the revenue from the sales and use taxes imposed in the annexed area. *See* TEX. HEALTH AND SAFETY CODE § 775.0754. Cities cannot prohibit an ESD from collecting its sales and use taxes in a newly-annexed area, and also cannot require an ESD to enter into an agreement splitting sales and use tax revenue with the city. Nevertheless, since taking effect in 2013, cities and ESDs have used the new law to reach some consensus on how sales and use tax revenue is to be divided in newly-annexed city territory that is also served by an ESD.