



# CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, November 16, 2021 at 6:00 PM  
COUNCIL CHAMBERS | 1901 5th Street

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## COUNCIL MEMBERS

**Mayor:** Robert K Nelson

**Mayor Pro Tem:** Jason W. Childers

**Council Members:** Becca Sitz, Bradley Westmoreland, Floyce Brown, Jim Folse

*Bay City is committed to developing and enhancing the long-term prosperity, sustainability, and health of the community.*

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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

### 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*

### CERTIFICATION OF QUORUM

### MISSION STATEMENT

The City of Bay City is a community that fosters future economic growth, strives to deliver superior municipal services, invests in quality of life initiatives and is the gateway to the great outdoors. We encourage access to our unique historical and eco-cultural resources while maintaining our small-town Texas charm.

*Councilwoman Becca Sitz*

### 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.

### **PROCLAMATIONS**

1. **Proclamation ~ Proclamation honoring Tom Stanley and declaring that the road formally known as T-Hanger Access Road be renamed to T. Stanley Drive.**
2. **Senate Resolution No. 27 ~ A Resolution Number 27 from the Senate of the State of Texas in memory of Brent Paul Marceaux.**

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

3. **City Council Regular Meeting minutes of November 2, 2021.**
4. **Accounts Payable, Direct Payable and Utility Refunds for July, August, and September 2021.**

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

5. **Public Hearing ~ City Council of Bay City, Texas to consider the advisability of the amendment of Reinvestment Zone Number Two (2), Bay City, Texas for Tax Increment Financing Purposes pursuant to Chapter 311, Texas Tax Code and proposed expanded boundaries.**
6. **Ordinance ~ An Ordinance of the City Council of Bay City, Texas, amending Ordinance No. 1557 concerning Tax Increment Reinvestment Zone Two (TIRZ #2), Bay City, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by expanding the boundary of Tax Increment Financing Reinvestment Zone Two, Bay City, Texas.**
7. **Presentation ~ Presentation of Amistad Community Park Splashpad selected to receive Special Recognition fro H-GAC Parks and Natural Areas Awards in the Planning category. Shawn Blackburn, Parks & Rec Director**
8. **Award ~Baler awarded to Recycling Center from H-GAC. Barry Calhoun, Public Works Director**
9. **Ordinance ~ Discuss, consider, and/or approve an Ordinance amending the City Code of Ordinances relating sections of Chapter 38, Article V "Noise" including Section 38.171 "Unreasonable Noise Prohibited and Section 38.173 "Tests and Standards for Noises"; providing an effective date. Robert Lister, Chief of Police**
10. **Ordinance ~ Discuss, consider, and/or approve an Ordinance of the City of Bay City, Texas, regarding the parking of compact cars. Alyssa Dibbern, Engineering Tech**
11. **Resolution ~ Resolution of Bay City, Texas, committing the City to provide local matching funds to secure and complete applications for the Hazard Mitigation Assistance (HMA) program. Alyssa Dibbern, City Engineer Tech.**

12. **Resolution ~ A Resolution authorizing the submission of multiple hazard mitigation assistance (HMA) grant applications, appointing the Mayor as the Chief executive officer and authorized representative to act in all matters in connection with the FEMA Mitigation Grants.** Alyssa Dibbern, City Engineer Tech
13. **Report ~ Street & Bridges assessment report.** Oscar Garcia, Assistant Public Works Director
14. **Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City, Texas, authorizing Professional Service Provider(s) selection for American Rescue Plan Act (ARP Act) program(s).** Scotty Jones, Finance Director
15. **Report ~ Discuss, consider, and/or approve the City's Quarterly Investment Report for the quarter ending September 30, 2021.** Scotty Jones, Finance Director

#### **CLOSED / EXECUTIVE SESSION**

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

#### **OPEN SESSION**

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

17. **Agreement ~ Discuss, consider, and/or approve a Developer Agreement with Crescent Capital Investments, LLC for the Russell Ranch Development.** Jessica Russell, BCCDC Director
18. **Resolution ~ discuss, consider, and/or approve a Resolution creating the Russell Ranch Public Improvement District.** Jessica Russell, BCCDC Director

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

#### **ADJOURNMENT**

#### **AGENDA NOTICES:**

**Action by Council Authorized:** The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

**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.

**Executive Sessions Authorized:** This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

#### **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, November 12, 2021 before 6:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.