



# CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, November 01, 2022 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:** Floyce Brown, 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."*

*Councilwoman Floyce Brown*

#### 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 Floyce Brown*

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

- 1. City Council Regular Meeting minutes of October 25, 2020.**

**DEPARTMENT REPORTS**

- 2. Public Works Reports.** Barry Calhoun, Public Works Director

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

- 3. Bid Reject ~ Discuss, consider, and/or reject the construction bid submitted by AR Turnkey Construction Co., Inc. for the Cottonwood Creek Flood & Drainage Improvements Project, CDBG-DR GLO Grant #20-065-048-C142.** Barry Calhoun, Public Works Director
- 4. Bid Award ~ Discuss, consider, and/or award the construction bid for the Cottonwood Creek Flood and Drainage Improvements Project, CDBG-DR GLO Grant #20-065-048-C142 and authorize the Mayor and/or City Manager to execute a contract approved to form by the City Attorney between the City of Bay City and JTM Construction LLC.** Barry Calhoun, Public Works Director
- 5. Ordinance – Discuss, consider, and/or approve an Ordinance amending the Municipal Code of Ordinances Chapter 38, Environment, Article II, “Offensive Conditions” including Sec. 38-36 “Prohibited” and further define terminology by adding Article I, Sec. 38.01 - “Definitions.”.** Krystal Mason, Planning Manager
- 6. Agreement ~ Discuss, consider, and/or approve a Professional Service Agreement between David Pettit Development, LLC and the City of Bay City providing services relating to the creation of a Tax Increment Reinvestment Zone Number Five (TIRZ #5) .** Shawna Burkhart, City Manager

**CLOSED / EXECUTIVE SESSION**

- 7. Personnel ~ Closed meeting to discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (To discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: Chief of Police**

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

## **RECONVENE AND ACTION**

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

## **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, October 28, 2022 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 • OCTOBER 25, 2022

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COUNCIL  
CHAMBERS | 1901  
5th Street

City Council Regular Meeting

6:00 PM

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1901 5TH STREET  
BAY CITY TX,77414



**Mayor**

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Robert K. Nelson

**Councilman**

---

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.*

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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. A quorum certified.

**PRESENT**

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

**INVOCATION & PLEDGE**

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

*Councilman Blayne Finlay*

**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 Blayne Finlay*

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

Katy Plunkett, Avenue K, addressed the 2023 City Holiday schedule, stating that she has worked in the private sector and went to work for the City for less pay because it offered more time with family. Ms. Plunkett added that the City can not compete with the private sector salaries and tenure employees will not feel the effect of less holiday but it will effect those with less tenure.

Ginger Evans, 3 year employee, stated that going to work for the city attraction was the holidays.

Mitch Thames, Chamber of Commerce, thanked council for their attendance to the groundbreaking and invited them to attend the November 10th event honoring Nate McDonald.

### **ACKNOWLEDGEMENT FROM CITY MANAGER**

City Manager, Shawna Burkhart, had no acknowledgements at this time.

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

Motion made by Councilman Westmoreland to approve the consent items with correction to Minutes of September 27, 2022, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson. Motion carried.

1. **City Council Regular Meeting minutes of September 27, 2022**
2. **City Council Regular Meeting minutes of October 11, 2022**

### **DEPARTMENT REPORTS**

3. **Report: Library Quarterly report and updates**

Samantha Denbow, Library Director, presented the quarterly report of the Library activities and stats.

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

4. **Planning ~ Briefing of Conceptual Master Plan in TIRZ #2 from TBG Partners.**

Alex Kamkar, Bold Fox, stated that they were making progress with plats. Mr. Kamkar introduced Matt Klein with TBG Partners. Mr. Klein presented council with a conceptual plan of the development and branding ideas. Mr. Kamkar stated that they would like the city and staff to give direction and will need the city to identify civic areas that will be on the CIP or TIRZ. Mr. Kamkar added that they will need a decision on the branding soon. Councilman Westmoreland asked about use of local vendors and Mr. Kamkar stated that project are bid especially the infrastructure.

5. **Agreement ~ Discuss, consider, and/or approve a Professional Service Agreement between David Pettit Development, LLC and the City of Bay City providing services relating to the creation of a Tax Increment Reinvestment Zone Number Five (TIRZ #5) .**

Shawna Burkhart, City Manager, reviewed the plans for the proposed TIRZ #5 and the areas of the city that it will include. Ms. Burkhart stated that the expense of the contract was not budgeted and that Council does not need to take action at this time. The contract cost will be allocated between the City, BCCDC, and the developer. Item will be brought back with a budget amendment and percentage of allocation required.

**6. Policy ~ Discuss, consider and/or approve amending the 2023 City Holiday Schedule.**

Councilman Westmoreland, stated that he does not want to take away holiday but allocate differently, proposing floating holidays instead of closing city services. City staff members addressed council with their concerns regarding the holidays. Council directed Rhonda Clegg, Human Resource Director, to get a survey from employees on their opinions of the floaters in lieu of holiday. Item to be brought back to Council on the 15th.

**CLOSED / EXECUTIVE SESSION**

Council did not go into executive session and item not discussed.

**7. Personnel ~ Closed meeting to discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (To discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: Chief of Police**

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

Councilwoman Sitz stated that the Lion's Club parade was well done. Councilman Finlay stated that he enjoyed the groundbreaking. Councilwoman Brown stated that she has not toured all city departments and hopes to get to know them. Councilwoman Brown added that she enjoyed the ground breaking and parade. Councilwoman Sitz reminded Council of the Dia De Los Muertos event on November 5th.

**ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and the meeting adjourned at 7:07 pm.

**PASSED AND APPROVED**, this 1st day of November 2022.

\_\_\_\_\_  
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.

**Requestor Name:** Calhoun, Barry **Date Submitted:** 10/26/2022  
*Last, First* *MM/DD/YYYY*

**Requestor Type:** City Staff **Meeting Date:** 11/01/2022  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** Director of Public Works  
*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 REJECT THE CONSTRUCTION BID SUBMITTED BY AR TURNKEE CONSTRUCTION CO., INC FOR THE COTTONWOOD CREEK FLOOD & DRAINAGE IMPROVEMENTS PROJECT, CDBG-DR GLO GRANT #20-065-048-C142.**

### Executive Summary of Item:

The City of Bay City has been awarded grant funds through the GLO, Cottonwood Creek Flood & Drainage Improvements will include to install 1 reinforced galvanized trash screen, 1 trash box foundation slab, 1 SCADA tower, a driveway, sidewalk, fencing, and sight security. Along with removal and disposal of existing grate. Attached is the bid tab.

**BACKGROUND:** Downtown Bay City was subjected to flooding until the improvement of the diversion channel was put into place. Since then, flood waters from north of Bay City come down Cottonwood Creek and pass through to the Colorado River. However, when debris builds on the trash screen, it tends to create backflow, defeating the purpose of the channel. This phased project will eventually install an automated screen in which the debris will be scraped off and allow maximum capacity and flow during high flood periods.

**FINANCIAL IMPLICATIONS:** 100% Grant funded, \$287,006

**IMPACT ON COMMUNITY SUSTAINABILITY:** Flood resistant community. This activity shall benefit 298 persons. Of these persons, 203 or 68%, are of low to moderate income.

**RECOMMENDATIONS:** AR Turnkee Constructions Co. notified Quiddity of an irregularity in their bid and requested that their bid not be considered. After discussions with GrantWorks and Quiddity, staff recommends rejecting the bid from AR Turnkee Construction Co., Inc and award the bid to the second lowest bidder.



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**Requestor Name:** Calhoun, Barry **Date Submitted:** 10/26/2022  
*Last, First* *MM/DD/YYYY*

**Requestor Type:** City Staff **Meeting Date:** 11/01/2022  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** Director of Public Works  
*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 AWARD THE CONSTRUCTION BID FOR THE COTTONWOOD CREEK FLOOD & DRAINAGE IMPROVEMENTS PROJECT, CDBG-DR GLO GRANT #20-065-048-C142 AND AUTHORIZE THE MAYOR AND/OR CITY MANAGER TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND JTM CONSTRUCTION, LLC.**

### Executive Summary of Item:

The City of Bay City has been awarded grant funds through the GLO, Cottonwood Creek Flood & Drainage Improvements will include to install 1 reinforced galvanized trash screen, 1 trash box foundation slab, 1 SCADA tower, a driveway, sidewalk, fencing, and sight security. Along with removal and disposal of existing grate. Attached is the bid tab.

**BACKGROUND:** Downtown Bay City was subjected to flooding until the improvement of the diversion channel was put into place. Since then, flood waters from north of Bay City come down Cottonwood Creek and pass through to the Colorado River. However, when debris builds on the trash screen, it tends to create backflow, defeating the purpose of the channel. This phased project will eventually install an automated screen in which the debris will be scraped off and allow maximum capacity and flow during high flood periods.

**FINANCIAL IMPLICATIONS:** 100% Grant funded, \$287,006

**IMPACT ON COMMUNITY SUSTAINABILITY:** Flood resistant community. This activity shall benefit 298 persons. Of these persons, 203 or 68%, are of low to moderate income.

**RECOMMENDATIONS:** Staff recommends JTM Construction, LLC.



2322 W. Grand Parkway North, Suite 150  
Katy, Texas 77449-7821  
Tel: 832.913.4000  
Fax: 832.913.4001  
[www.jonescarter.com](http://www.jonescarter.com)

ITEM #4.

October 13, 2022

City of Bay City  
Public Works Department  
1217 Avenue J  
Bay City, Texas 77414

Re: Construction of Cottonwood Creek Flood & Drainage Improvements  
City of Bay City  
Matagorda County, Texas  
Jones & Carter, Inc Project No. R0017-0055-00  
Bay City GLO Grant No. 20-065-048-C142

Dear Mr. Calhoun:

We received bids at the offices of Jones & Carter located at 2322 W Grand Parkway N, Suite 150 Katy, Texas 77494 for the referenced contract on September 15, 2022 at 10:00 A.M. Bids were opened at that time.

Five (5) contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. AR Turnkey Construction Co., Inc. submitted the lowest Base Bid plus Alternate 1 and Alternate 2 proposal in the amount of \$148,751.00 but an irregularity was found in their bid. JTM Construction submitted the second lowest Base Bid plus Alternate 1 and Alternate 2 proposal in the amount of \$243,499.00 and we find them to be the most advantageous bidder.

We have worked with JTM Construction, LLC in the past and find them to be an acceptable contractor. We recommend the referenced contract be awarded to JTM Construction, LLC on the basis of their base bid with alternates 1 and 2 proposal of \$243,499.00.

Please call or email with any questions and we look forward to getting this project into construction for the City.

Sincerely,

Justin M. Au, PE

JMA/lam2

K:\R0017\R0017-0055-00 Cottonwood Creek Flood & Drainage Improv\3 Construction Phase\Contract Documents\Phase I\1. ROA Rev.docx

Enclosure



**BID TABULATION SHEET**

BIDS WERE OPENED IN THE OFFICE OF

Cottonwood Creek Flood & Drainage Improvements

Quiddity Engineering - Katy

Time: 10:00 AM

Date: 9/15/2022

Public Bid

Job No. R0017-0055-00

|                 | BIDDERS                          |                       |                                 |                          |                           |  |  |
|-----------------|----------------------------------|-----------------------|---------------------------------|--------------------------|---------------------------|--|--|
|                 | AR Turnkey Construction Co., Inc | JTM Construction, LLC | JBRI Construction Services, LLC | Houston Heavy Civil, LLC | Site Work Contractors LLC |  |  |
| Base Bid Total  | \$92,196.00                      | \$166,024.00          | \$218,489.00                    | \$242,745.00             | \$250,940.00              |  |  |
| Alternate Bid 1 | \$45,500.00                      | \$62,400.00           | \$78,456.00                     | \$138,300.00             | \$82,000.00               |  |  |
| Alternate Bid 2 | \$11,055.00                      | \$15,075.00           | \$9,849.00                      | \$18,090.00              | \$23,450.00               |  |  |
| Bid Security    |                                  |                       |                                 |                          |                           |  |  |
| 1295 Form       |                                  |                       |                                 |                          |                           |  |  |
| Addendum No. 1  |                                  |                       |                                 |                          |                           |  |  |



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**Requestor Name:** Mason, Krystal **Date Submitted:** 10/26/2022  
*Last, First* *MM/DD/YYYY*

**Requestor Type:** City Staff **Meeting Date:** 11/01/2022  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** City Planning Manager  
*For City Staff Only*

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

**Agenda Content:**

Ordinance – Discuss, consider, and/or approve an Ordinance amending the Municipal Code of Ordinances Chapter 38, Environment, Article II, “Offensive Conditions” including Sec. 38-36 “Prohibited” and further define terminology by adding Article I, Sec. 38.01 - “Definitions.”

**Executive Summary of Item:**

A component of the Vision Bay City 2040 Plan is “Livability and Quality of Life.” To achieve this goal, community engagement is critical. The City must encourage and hold accountable its residents and businesses to take pride in their property. Staff is recommending amendments to Chapter 38 that will outline a property owner’s responsibility to maintain easements and rights-of-way abutting their property and provide clear language for education and enforcement.

**ORDINANCE AMENDING THE CITY CODE OF ORDINANCES RELATING TO SECTIONS OF CHAPTER 38, ARTICLE 1; PROVIDING AN EFFECTIVE DATE.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS that the following amendment(s) is/are adopted as Amendment(s) to Chapter 38, Article 1, in its Code of Ordinances.

Section 1. The amendments in the attached Exhibit "A" are to be made to Section(s) of the Code of Ordinances. All insertions are made with underlined letters and all deletions are shown as such.

Section 2: Other than as amended herein, all remaining sections of Chapter 38, Article 1, remain in full force and effect. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**PASSED AND APPROVED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Robert Nelson, Mayor  
City of Bay City, Texas

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jeanna Thompson, City Secretary  
City of Bay City Texas

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

PART II - CODE OF ORDINANCES  
Chapter 38 - ENVIRONMENT  
ARTICLE I. IN GENERAL

Chapter 38 ENVIRONMENT

***ARTICLE I. - IN GENERAL***

Sec. ~~38~~-38.01. - Definitions:

**Brush** means scrub vegetation; and covered with scrub vegetation; or a dense growth and undergrowth.

**Easement** means a grant by the property owner to the city, a corporation, or persons of the use of a strip of land for specific purposes.

**Gutter** The construction adjoining the curb and forming a part of the street surface used by vehicles and whose primary function is to provide surface drainage along the street.

**Hazardous Vegetation** Dead and dying trees, tree limbs or other natural growth which, by reason of rotting, deterioration, physical damage, or storm damage constitutes a hazard to persons or structures within the vicinity thereof.

**Noxious weeds** mean a weed which is considered to be harmful to the environment or animals, especially one which may be the subject of regulations governing attempts to control it.

**Objectionable, unsightly, or unsanitary vegetation or matter** means any matter, condition, or object which is or should be objectionable unsightly, or unsanitary to a person of ordinary sensitivities.

**Protected tree** means a hardwood tree having a minimum caliper size of 8 inches or greater, as measured five (5) feet above ground level. Hardwood trees include elms, oaks, maples, pecan, and sycamore, as well as any trees listed in Chapter 62 Natural Resources, Sec. 62-19(b)(9); as well as identified as hardwoods by the Texas A&M Forest Service.

**Right-of-way** means a strip of public land, however designated, dedicated or acquired, in which a street, avenue, boulevard, alley or thoroughfare has been, or may be, constructed.

**Shrub** means a woody plant which is smaller than a tree and has several main stems arising at or near the ground.

**Tree** shall mean any self-supporting woody plant together with its root system, growing upon the earth usually with one trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

**Uncultivated plants** mean of a plant: growing spontaneously and freely in nature without human intervention uncultivated.

Weed means an introduced plant growing in the ground that is or has been in cultivation usually to the detriment of the crop or to the disfigurement of the place; an economically useless plant; a plant of unsightly appearance; one (1-) of wild or rank growth; a tree or shrub of low economic value that tends to grow freely and by its presence to exclude or retard more valuable plants; wild growth usually in the nature of rank grass or undergrowth.

**Sec. 38-1. Civil enforcement of health and safety ordinances.**

(a) — The city may bring a civil action for the enforcement of any ordinance relating to the following:

(1) — The preservation of public safety, relating to the materials or methods used to construct a building or other structure or improvement, including the foundation, structural elements, electrical wiring or apparatus, plumbing and fixtures, entrances, or exits;

(2) — The preservation of public health or to the fire safety of a building or other structure or improvement, including provisions relating to materials, types of construction or design, interior configuration, illumination, warning devices, sprinklers or other fire suppression devices, availability of water supply for extinguishing fires, or location, design, or width of entrances or exits;

(3) — The use of land or classification of a parcel of land according to the municipality's district classification scheme;

(4) — Establishing criteria for land subdivision or construction of buildings, including provisions relating to street width and design, lot size, building width or elevation, setback requirements, or utility service specifications or requirements;

(5) — Dangerously damaged or deteriorated structures or improvements;

(6) — Conditions caused by accumulations of refuse, vegetation, or other matter that creates breeding and living places for insects and rodents; or

(7) — The interior configuration, design, illumination, or visibility of a business premises exhibiting for viewing by customers while on the premises live or mechanically or electronically displayed entertainment intended to provide sexual stimulation or sexual gratification.

(b) — Jurisdiction and venue of an action allowed under subsection (a) of this section shall be in the district court, county court, or the municipal court of the city, if it is a court of record.

(c) — On a showing of substantial danger of injury or an adverse health impact to any person or to the property of any person other than the defendant, the city may obtain against the owner or owner's representative with control over the premises an injunction that:

(1) — Prohibits specific conduct that violates the ordinance.

(2) — Requires specific conduct that is necessary for compliance with the ordinance.

(3) — It is not necessary for the city to prove that another adequate remedy or penalty for a violation does not exist or to show that prosecution in a criminal action has occurred or has been attempted.

(d) — In a suit against the owner or the owner's representative with control over the premises, the city may recover a civil penalty if it proves that:

(1) ~~\_\_\_\_\_~~ The defendant was ~~actually~~ notified of the provisions of the ordinance.

(2) ~~\_\_\_\_\_~~ After the defendant received notice of the provisions of the ordinance, the defendant committed acts in violation the ordinance or failed to take action necessary for compliance with the ordinance.

(3) ~~\_\_\_\_\_~~ A civil penalty under this article may not exceed \$1,000.00 a day for violation the ordinance

(e) ~~\_\_\_\_\_~~ The city may bring an action to compel the repair or demolition of a structure or obtain approval to remove the structure and recover removal costs.

(f) ~~\_\_\_\_\_~~ In an action under this section, the city may also bring a claim for civil penalties under V.T.C.A., Local ~~\_\_\_\_\_~~ Government Code § 54.017.

(g) ~~\_\_\_\_\_~~ The city may file a notice of lis pendens in the office of the county clerk. If the city files the notice, a subsequent purchaser or mortgagee who acquires an interest in the property takes the property subject to the enforcement proceeding and subsequent orders of the court.

(Code 1985, § 18-20; Code 2000, § 38-1)

State law reference(s)—Administrative application, V.T.C.A., Local Government Code §§ 54.012 et seq., 54.031 et seq.

Secs. 38-2—38-35.- Reserved.

## **ARTICLE II.- OFFENSIVE CONDITIONS<sup>‡</sup>**

**Sec. 38-36.- Prohibited.**

- (a) It shall be unlawful for the owner of any lot or other premises in the city to allow or permit holes or places where water may accumulate and become stagnant to be or to remain on such lot or premises or to allow or permit the accumulation of stagnant water thereon, or to permit the same to remain thereon.
- (b) It shall be unlawful for the owner of any lot, building, house, establishment, or other premises in the city to allow or permit any carrion, filth or any other impure or unwholesome matter of any kind to accumulate or remain thereon. Such an act is hereby declared to constitute a public nuisance.

<sup>‡</sup>State law reference(s)—Authority to prohibit offensive conditions, V.T.C.A., Health and Safety Code § 342.001 et seq.; covering well or cistern, V.T.C.A., Health and Safety Code §§ 756.001, 756.002.

- (c) It shall be unlawful for any person to dispose of waste oil or other refined natural petroleum products at any location within the city other than a legal disposal site. Any such prohibited disposal is declared to constitute a public nuisance.
- (d) It shall be unlawful for any owner, occupant, or person in charge of any premises within the city to allow weeds, grass or uncultivated plants to grow upon such premises or to allow trash or rubbish to accumulate upon such premises to such an extent that it is reasonably calculated to create a fire hazard or to such an extent that the accumulation is deemed injurious to the health and welfare of the citizens of the city. Any such act is hereby declared to constitute a public nuisance.

(1) It shall be the duty of such person to keep the area from the line of his property to the back of the curb line next adjacent to it, if there is a curb line, and if not, then to the centerline of the adjacent unpaved street or alley, or to the edge of the pavement of a paved but uncurbed street or alley, free and clear of the matter referred to above.

- (e) It shall be unlawful for any owner, occupant, or person in charge of any premises to permit weeds, grass, or uncultivated plants to grow upon such premises to a height greater than 12 inches on an average ~~or to grow in rank profusion thereon~~. Any premises upon which any weeds, grass or uncultivated plants grow above such height or in rank profusion shall be deemed a public nuisance.

~~(f)(1)~~ It shall be the duty of such person to keep the area from the line of his property to the back of the curb line next adjacent to it, if there is a curb line, and if not, then to the centerline of the adjacent unpaved street or alley, or to the edge of the pavement of a paved but uncurbed street or alley, free and clear of the matter referred to above.

(2) It shall be the duty of any owner, occupant, or person in charge of any premises to remove or cause to be removed all weeds, grass, or uncultivated plants as often as may be necessary to comply with ~~subsection (e) of this section~~. Failure to comply with this subsection is hereby declared to constitute a public nuisance.

- (f) It shall be unlawful for a person to throw, deposit or sweep any materials such as grass, weeds, leaves or tree trimmings into, upon or along any drain, gutter, ditch, alley, sidewalk, street, parkway, right-of-way, or vacant lot, or upon any public or private premises within the corporate limits of the city. Such an act is hereby declared to constitute a public nuisance.
- (f) It shall be unlawful for the owner, lessee or tenant of any premises abutting any sidewalk, curb, or gutter in the city to permit such sidewalk, curb, or gutter to be covered with sand, leaves, or dirt or to become unclean, or to permit grass or weeds to grow on or extend over such sidewalk, curb, or gutter.
- (g) Trees and shrubs shall not be planted or placed on rights-of-way or city parkways without the approval of the Director of Public Works. Plantings within utility or public easements owned by the City may be planted with prior written permission of the Director of Public Works, subject to the city's right to remove the plantings if entrance to the easement is needed.

- (h) Maintenance of Sight Lines. A person may not construct, replace, or maintain, or permit another person to construct, replace, or maintain, any improvements, structures, or vegetation on property located at or near an intersection in such a manner as to obscure an operator's view over, under, around, or through the improvement, structures, or vegetation of potential conflict with vehicles or pedestrians.
- (i) Duty of property owner to maintain trees, bushes, or vegetation, in safe condition. Every person owning, claiming, occupying, or having supervision or control of any real property, occupied or unoccupied within the city limits who owns any trees, bushes, shrubs or other vegetation shall take any and all action necessary to ensure that said trees, bushes, shrubs and other vegetation do not grow unattended so as to create a hazardous visual obstruction to the free flow of traffic, or in any way threaten the health, safety and welfare of anyone utilizing said streets, or in any way threaten the health, safety, and welfare of citizens of the city. Property owners shall:
- (1) Trim or remove vegetation blocking signal lights, pedestrian signs, and all signage.
  - (2) Remove trees, plants, and other vegetation within three (3) feet from all fire hydrants.
  - (3) Maintain vegetation within ten (10) feet from a corner curb at a maximum height of two (2) feet.
  - (4) Remove, maintain, and not permit any vegetation to grow over or place anything on top of or otherwise obscure manholes from view
  - (5) Not place, maintain, or permit a tree or plant to overgrow or obstruct a sidewalk to prevent public use of the area.
  - (6) Maintain grass and weeds throughout property and to the edge of the street or alley in accordance with the height established in [Chapter 38 of the Municipal Code of Ordinances](#) [this Article.](#)
  - (7) Trim trees within the right-of-way or easement abutting the property so that such trees hang no lower than fourteen (14) feet over any street, right-of-way, or easement and no lower than (9) feet over any sidewalk within the city.
  - (8) Not allow or permit any diseased tree to remain on a lot or parcel of land. For purposes of this chapter, a diseased tree means a tree or plant infected by a lethal disease communicable to another tree or plant as determined by a certified arborist.
  - (9) Not allow or permit any hazardous vegetation to remain on a lot or parcel of land.
- (j) It is a defense to prosecution for violations of subsections (h) and (i) hereof that the tree which otherwise violates subsections (h) or (i) hereof is Protected Tree or that the weeds, grasses, trees, or vegetation observed on the subject property do not reduce or impair visibility or line of sight at, of, or for right-of-way, vehicles, cyclists, or pedestrians, and the over-height weeds or grasses observed were located at or on one or more of the following:

(1) An area within an improved ditch with sides sloping greater than one foot of rise for each two feet of run as measured from the centerline of the ditch to the high bank, or adjacent to a stream, waterway, or water quality facility.

(2) A landscaped area arranged and managed consistent with a plan accepted by the city which the area includes native or adapted vegetation, where weed control and other periodic maintenance occurs; or

(3) City parkland, a greenbelt, nature preserve, or other publicly maintained open space.

(Code 1985, § 18-16; Code 2000, § 38-36)

State law reference(s)—Offensive and unsightly conditions prohibited, V.T.C.A., Health and Safety Code §§ 342.001—342.004.

**Sec. 38-37.- Notice to owner to remedy or remove.**

- (a) Whenever any condition described in this article is found to exist on any premises within the city, the owner of such premises shall be notified by the city, to correct, remedy or remove the condition within seven days after such notice and it shall be unlawful for any person to fail to comply with such notice.
- (b) The notice provided for in subsection (a) of this section must be given:
- (1) ~~\_\_\_\_\_~~ Personally, to the owner in writing;
  - (2) ~~\_\_\_\_\_~~ By letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
  - (3) ~~\_\_\_\_\_~~ If personal service cannot be obtained:
    - a. ~~\_\_\_\_\_~~ By publication at least once;
    - b. ~~\_\_\_\_\_~~ By posting the notice on or near the front door of each building on the property to which the violation relates; or
    - c. ~~\_\_\_\_\_~~ By posting the notice on a placard attached to a stake driven into the ground on the property to which the violation.
- (c) If a municipality mails a notice to a property owner in accordance with subsection (b) of this section, and the United States Postal Service returns the notice as refused or unclaimed, the validity of the notice is not affected, and the notice is considered as delivered.
- (d) The city, in the notice of a violation, may inform the owner by regular mail, and a posting on the property, or by personally delivering the notice that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the city, without further notice, may correct the

violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the city has not been informed in writing by the owner of an ownership change, then the city without notice may take any action permitted by section 38-38 and assess its expenses as provided by section 38-38.

(Code 1985, § 18-17; Code 2000, § 38-37)

State law reference(s)—Similar provisions, V.T.C.A., Health and Safety Code § 342.006.

**Sec. 38-38. Correction or removal by city.**

- (a) In the event the owner of any lot or premises upon which a condition described in this article exists fails to correct, remedy or remove such condition within seven days after notice to do so is given in accord with this article, the city may do such work or make such improvements as are necessary to correct, remedy or remove such condition, or cause the same to be done, and pay therefor and charge the expenses incurred thereby to the owner of such property. Such expenses shall be assessed against the real estate upon which the work was done, or the improvements made. The doing of such work by the city shall not relieve such person from prosecution for failure to comply with such notice in violation of section 38-37.
- (b) To obtain a lien against the property, the mayor, city health authority, or city official designated by the mayor must file a statement of expenses with the county clerk. The lien statement must state the name of the owner, if known, and the legal description of the property. The lien attaches upon the filing of the lien statement with the county clerk.
- (c) The lien obtained by the city is security for the expenditures made and interest accruing at the rate of ten percent on the amount due from the date of payment by the city.
- (d) The lien is inferior only to:
  - (1) ~~\_\_\_\_\_~~ Tax liens; and
  - (2) ~~\_\_\_\_\_~~ Liens for street improvements.
- (e) The city council may bring a suit for foreclosure in the name of the city to recover the expenditures and interest due.
- (f) The statement of expenses or a certified copy of the statement is prima facie proof of the expenses incurred by the city in doing the work or making the improvements.
- (g) The remedy provided by this section is in addition to the remedy provided by V.T.C.A., Health and Safety Code § 342.005.

- 
- (h) The city council may foreclose a lien on property under this article in a proceeding relating to the property brought under V.T.C.A., Tax Code § 33.001 et seq.
- (i) ~~Such~~ Such lien shall bear interest at the rate of ten percent per annum from the date the lien statement was filed. For any such expenditure and expense, suit may be instituted, and recovery and foreclosure of the lien may be had in the name of the city and the statement of expenses made in accordance with subsection (a) of this section or a certified copy thereof shall be prima facie proof of the amount expended for such work or improvement.

(Code 1985, § 18-18; Code 2000, § 38-38)

State law reference(s)—Similar provisions, V.T.C.A., Health and Safety Code § 342.007.

**Sec. 38-39. ~~Misdemeanor conviction and fine.~~**

A complaint may be filed in the municipal court for violation of maintaining a public nuisance. If a person is found guilty of maintaining a public nuisance, he shall be guilty of a misdemeanor. The court shall order a fine to be paid by the defendant. If the violation endangers public health or fire safety, the maximum fine shall be as provided in section 1-16.

(Code 1985, § 18-19; Code 2000, § 38-39)

~~Secs. 38-40—38-70. Reserved.~~



October 12, 2022

Shawna Burkhart  
City Manager  
City of Bay City  
1901 Fifth Street  
Bay City, TX 77414

**RE: Professional Services Agreement – TIRZ #5 Creation**

Dear Ms. Burkhart,

David Pettit Economic Development, LLC (“DPED”) is pleased to provide this proposal for economic development professional services relating to potential creation of Tax Increment Reinvestment Zone Number Five (TIRZ #5) in the City of Bay City, Texas (“City”).

#### **The Project**

It is our understanding that the City of Bay City, Texas is interested in potentially creating TIRZ #5 for the purpose of facilitating development.

#### **The Assignment**

Our work under this proposal would be to provide professional economic development services. DPED’s primary role will be to provide professional economic development services relating to amending the TIRZ.

#### **The Team**

We propose working in a team organized as follows:

- You will be our point of contact and will provide overall direction to our team. You may also include other members of City staff with which we will meet regularly to review our progress and to get input and direction on our work.
- At this time we do not anticipate the need for any additional consultants to accomplish the work described in this proposal.

#### **Statutory Requirements**

Chapter 311 of the Texas Tax Code outlines the various procedures for creating a TIRZ and the authorized use of funds from the TIRZ. A TIRZ ordinance is approved by the governing body of the municipality and establishes four key elements, including:

- boundary;
- term;
- TIRZ Board; and
- amended preliminary project and financing plan.

A final project plan and financing plan is later approved by the TIRZ Board and then by the governing body of the municipality by separate ordinance.

Per Section 311.003 of the Tax Code the governing body of a municipality by ordinance may designate a contiguous or noncontiguous geographic area that is in the corporate limits of the municipality, in the extraterritorial jurisdiction of the municipality, or in both to be a reinvestment zone to promote development or redevelopment of the area if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future.

### Scope of Services

This proposed scope of services is focused on accomplishing three main goals:

- TIRZ #5 Creation Ordinance
- TIRZ #5 Project and Financing Plan Ordinance
- TIRZ #5 Taxing Entity Participation Agreements

Based on our conversations and our experience on previous projects, we propose the following scope of services for the TIRZ. Our proposed scope of services is divided into separate tasks, each providing a description of the work to be performed and the key products resulting from the task.

#### Task 1

##### **Taxable Value Analysis**

DPED develop a Taxable Value Analysis to reflect development plans, taking into account current market conditions and demand trends. DPED will develop projections for future land uses, values, and timing of the proposed future developments. A multi-year historic taxable value review of similar developments will be conducted to establish baseline conservative assumptions for the development in the proposed zone. This task will be the basis for developing a spreadsheet model of TIRZ increments, given a reasonable range of development assumptions and taxable values. Key products of this task would include a spreadsheet model on a parcel-by-parcel basis with projections based upon the historical taxable value review of the development potential of the proposed TIRZ.

#### Task 2

##### **Develop TIRZ Cash Flow Model**

Based on the anticipated land uses and projections, DPED would develop a cash flow model. This model will allow the City, consultants and others to underwrite the developments and test various scenarios for the financing plan. Key products of this task would include excel spreadsheets of TIRZ Cash Flow Model with macros established for growth and development assumptions.

#### Task 3

##### **Prepare TIRZ Project and Financing Plan**

DPED would then develop the Finance Plan, Project Plan, and Detailed Description of TIRZ, and other exhibits required for local government review and approval per the state legislative requirements. This work includes the written, graphic, and PowerPoint materials and exhibits, as well as support of the process. Backup materials such as spreadsheets and databases will also be products that support the plans. Key products would include an TIRZ Project and Financing Plan including legal description of the zone, proposed TIRZ projects, term of the zone, and increment analysis.

#### Task 4

##### **TIRZ Documentation Support**

DPED will provide assistance with drafting necessary documents for creating TIRZ #4, including: 1) public hearing notices; 2) resolutions; 3) ordinances; and 4) participation agreements, if necessary. This can be a time-consuming process for City staff, however DPED's extensive experience in drafting these documents should help streamline the preparation of materials necessary for City Council consideration.

#### Task 5

##### **Facilitate Review and Consideration of the Proposed Amendment**

DPED would facilitate meetings and presentations to the local governmental bodies and their respective boards and commissions. This will include supporting meetings, work sessions, briefings, commission meetings, and hearings. Key products of this task would include attendance and support of City staff at all required meetings in the review and approval process.

**Task 6****TIRZ Documentation Support**

DPED will provide assistance with drafting necessary documents for amending the TIRZ including: 1) public hearing notices; 2) resolutions; and 3) ordinances. This can be a time-consuming process for City staff, however DPED's extensive experience in drafting these documents should help streamline the preparation of materials necessary for City Council consideration. This task would also include assistance in creating and appointing the appropriate TIRZ board per the TIRZ creation ordinance.

**Fee for Services**

Our fee for services relating to the scope of services would be a lump sum fee of \$33,500.

Fees would be charged monthly, subject to on-going progress on the work effort. Reimbursable expenses would be charged to include out-of-pocket expenses incurred in the interest of the project at actual costs.

**Changes of Scope and Additional Services**

Minor additions to our scope will be treated as Additional Services. Work on Additional Services will not begin until authorized in writing by the Client.

**Additional Services and Rates for Hourly Services**

Additional Services shall be billed on an hourly not to exceed basis unless a fixed fee or other method of compensation is mutually agreed upon. Our current hourly rates are:

| <u>Classification</u> | <u>Hourly Billing Rate</u> |
|-----------------------|----------------------------|
| David Pettit          | \$325.00                   |
| Project Manager       | \$250.00                   |
| Project Specialist    | \$120.00                   |
| Planning Intern       | \$100.00                   |
| Administrative        | \$80.00                    |

These rates apply for the current calendar year and are subject to revision on January 1, when they may be revised to reflect changes in staff salaries over the preceding year.

**Term of Agreement**

It is anticipated that the services covered in the proposal will be completed within twelve (12) months of the date services begin. This Agreement will terminate upon the earlier of completion of services or twelve (12) months from the date of this Agreement. Additionally, Client may terminate this Agreement for any reason upon thirty (30) days written notice to DPED and DPED will cease any and all work upon receipt of such notice, unless otherwise directed in the notice. In the event of a termination as described above, Client shall be responsible for the payment of the fees and expenses incurred by DPED pursuant to this agreement through the date of such termination.

**Reimbursables**

We propose to be reimbursed for out-of-pocket expenses incurred in the interest of the project at DPED actual cost. Reimbursable expenses include: our direct consultants and their expenses (to be reimbursed, all consultants and their bids must be approved in writing, in advance by the client); reproduction; long distance communication; document printing and delivery; document graphics and binding; delivery, postage and handling; travel time; special materials; photography; etc. (Reasonable backup will be available upon request.)

**Invoices and Payments**

Payment for services rendered is due within thirty (30) days of Client's next monthly billing cycle following receipt of invoice. In the event any invoices remain unpaid 45 days after the invoice date, we suspend work until we have been paid in full all amounts due for services and expenses. Amounts unpaid for more than 30 days after the due date may accrue interest at 10% per annum. In the event we are forced to commence a collection

proceeding, you agree to pay reasonable attorney's fees and court costs, in addition to our fees billed under this proposal.

### **Suspension and Termination**

If the project is suspended or abandoned, DPED will be compensated for all services billed prior to receipt of written notice by the Client. Services that are not billed or completed between billing periods and receipt of written notice will be reimbursed at DPED's standard hourly rates.

If the scope or schedule of the project should change beyond that to be reasonably expected due to the program changes, schedule or other reason, at their option, DPED may re-negotiate the aforementioned fees and scope of work. Any renegotiation of scope or fee will be in writing and subject to the signing of both parties.

### **Certifications**

**Guarantees and Warranties:** We will not be required to execute any document that would result in our certifying, guaranteeing or warranting the existence of conditions whose existence we cannot ascertain.

### **Authorization to Proceed**

Thank you again for this opportunity to work with you. Your signature below and the return of one copy to us for our file will confirm your approval and authorize us to proceed.

### **Insurance**

DPED will provide proof of professional liability insurance (including errors and omissions) with minimum limits of \$1,000,000 per occurrence and \$2,000,000 in the aggregate and excess/umbrella liability of \$1,000,000 per occurrence and \$2,000,000 in the aggregate to client. Additionally, DPED shall carry the following insurance coverages:

(a) Worker's compensation insurance at the statutory limits and employer's liability insurance, with minimum limits of \$1,000,000.00/\$1,000,000.00/\$1,000,000.00; and

(b) Comprehensive general liability insurance, with minimum limits of \$2,000,000.00 each occurrence and \$4,000,000.00 in aggregate; and

(c) Comprehensive automobile liability insurance, with minimum limits of \$1,000,000.00 combined single limit each occurrence; and

DPED has previously provided, or concurrently with the execution of this agreement is providing, to Client a certificate of insurance issued to Client evidencing the foregoing insurance coverages and evidencing that Client and Client's lender, if any, are additional insured parties with respect to the insurance policies referred to in the foregoing subparagraphs (b) and (c).

### **Notices**

Any notice required or permitted to be given to either party shall be deemed to be received by such party (a) three (3) days after deposit in the United States Registered or Certified Mail, Return Receipt Requested, or (b) one (1) business day after deposit with a nationally recognized overnight delivery service for next day delivery, or (c) upon personal delivery to the party to whom addressed provided that a receipt of such delivery is obtained, or (d) on the next business day after transmission by telecopy provided that a confirmation copy is concurrently deposited in United States Certified or Registered Mail, Return Receipt Requested, in any case addressed to the parties at the following addresses:

If to Client:

City of Bay City  
1901 Fifth Street  
Bay City, TX 77414  
Attention: Scotty Crow Jones C.P.M., Finance Director

Email: [sjones@cityofbaycity.org](mailto:sjones@cityofbaycity.org)

If to DPED:

David Pettit Economic Development, LLC.  
306 West Seventh Street, Suite 602  
Ft. Worth, TX 76102  
Attention: David Pettit  
Email: [dpettit@dpedllc.com](mailto:dpettit@dpedllc.com)

or to the parties at such other addresses or telecopy numbers as they may designate by notice to the other party as herein provided.

**SUMMARY**

I hope this accurately outlines the professional services you anticipated. If you have any questions or concerns please do not hesitate to contact me at 817.439.9421.

Thank you for considering David Pettit Economic Development, LLC.

Sincerely,



David Pettit  
Managing Member

If this agreement meets with your approval, please sign and return one executed copy to our office as notice to proceed.

**AGREED TO AND ACCEPTED BY:**

City of Bay City, Texas

By: \_\_\_\_\_  
Robert K. Nelson, Mayor

Date: \_\_\_\_\_