



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, October 25, 2022 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

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.

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."*

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**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 September 27, 2022
- [2.](#) City Council Regular Meeting minutes of October 11, 2022

DEPARTMENT REPORTS

- [3.](#) Report: Library Quarterly report and updates

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- [4.](#) Planning ~ Briefing of Conceptual Master Plan in TIRZ #2 from TBG Partners. Matt Klein, TBG Partners
- [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
- [6.](#) Policy ~ Discuss, consider and/or approve amending the 2023 City Holiday Schedule. Councilman Brad Westmoreland

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

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 21, 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 • SEPTEMBER 27, 2022

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting

6:00 PM

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



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

Through a united and collaborative effort, we seek to grow the City of Bay City with a diverse culture that is proud to call Bay City home. We envision a thriving family-centered community where citizens are involved in the future development of our city. We desire our citizens to work, play, worship and shop in the community in which we live. Visitors are welcomed and encouraged to enjoy the friendly environment and amenities the citizens and business owners have created together.

CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Robert K. Nelson at 6:00 pm.

PRESENT

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

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 Bradley Westmoreland

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Ben Flores, 2500 Hamman, stated that he would like to appeal the decision of council and the Animal Control Officers report and effect of council's decision.

PROCLAMATIONS

- 1. Proclamation ~ A proclamation declaring October as "Domestic Violence Awareness Month"**. Brittany Matthews, Matagorda County Crisis Center

Mayor Nelson read and presented the proclamation declaring October as "Domestic Violence Awareness Month" to Samantha Counts on behalf of the crisis center.

ACKNOWLEDGEMENT FROM CITY MANAGER

Shawna Burkhart, City Manager, stated that she appreciates all city staff attending tonight's meeting.

DEPARTMENT REPORTS
2. Municipal Court Award Presentation. Katy Plunkett

Item was tabled.

3. Police Department Staffing.

Christella Rodriguez, Police Department Captain, provided a staff update. Dispatch is fully staffed and Patrol will be fully staffed once background checks are completed.

4. Public Works Reports.

Barry Calhoun, Public Works Director, provided an update on Elliot Addition, stating that the challenge has been delivery of material and lime not available until mid to late October. There has been an increase on prices as well. United Rental Drainage project will have a pre-construction meeting tomorrow and have 120 days to complete. Hope to start on next phase of Hamman Road Drainage project in early November. They have excavated a ditch and discovered more drainage issues on Chapparral. They looked at the culvert and shaving down the culvert wasn't as easy as first thought. Lowering may cause a problem with vehicles bottoming out when passing over. Mayor Pro Tem Folse wanted to make sure the five (5) steps were clear regarding Hamman Drainage as : 1) the overflow ditch, 2) drop height of culvert, 3) Hamman to Cottonwood creek, 4) look at Holly Lane to bring over, and 5) verify and re-grade. Mr. Calhoun concurred. The meter project is moving along and should be complete by November 1st. The City is waiting on TCEQ approval and bids due this Thursday and will bring back in workshop. Two water plants designs are 90% complete. Mike Burchard, Utilities, introduced his staff which is short staffed and just three employees responding around the clock.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL
5. Budget ~ Discuss, consider, and/or approve Police Department staff compensation.

Shawna Burkhart, City Manager, stated that compared to sister cities, the police department staff was under paid. Using savings from Health Insurance and lump sum cost of living payment, they are able to give the police staff, patrol up to sargent, an hourly increase. The increase will create a \$9225 overage, but they are confident the extra will be covered else where.

Motion made by Mayor Pro Tem Folse to approve the staff compensation, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor

Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay.
Motion carried.

- 11. Resolution ~ Discuss, consider, and/or approve a resolution of the City Council of the City of Bay City, Texas approving a Park Master Plan.** Shawn Blackburn, Parks & Recreation Director

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

- 18. Property ~ Discuss, consider, and/or approve declaring a building as surplus and authorize sale of building as personal property to Bay City Community Development Corporation and subject to their Agreement to do so.**

Shawna Burkhart, City Manager, stated that the BCCDC attorney believe this should be a lease since it's the building and not the land. BCCDC plans to create a small business incubator and allow the Girl Scouts to use the building. BCCDC would want a long term lease. BCCDC will do the rehabilitation on the building.

Motion made by Councilwoman Sitz to move forward on a long term lease agreement with BCCDC, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 6. Grant ~ Discuss, consider, and/or approve authorizing to issue a Request for Proposals (RFP) for application writing, plan writing, and administrative services for Hazard Mitigation Assistance through the Building Resilient Infrastructure and Communities (BRIC) Grant Program.** Barry Calhoun, Public Works Director

Motion made by Councilman Westmoreland to approve authorizing to issue a RFP for application writing, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 7. Grant ~ Discuss, consider, and/or approve authorizing to issue a Request for Proposals (RFP) for administrative services and Requests for Qualifications (RFQ) for engineering services for the 2023-2024 Texas Community Development Block Grant Program administered by the Texas Department of Agriculture.**

Barry Calhoun, Public Works Director, stated that this is the next round, last was for water line improvements. This will be continued improvement of water lines on northwest quadrant of the city.

Motion made by Councilwoman Sitz to approve authorizing to issue a RFP for administrative services, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 8. Resolution ~ Discuss, consider, and/or approve selecting an Administration/Project Delivery Service Provider to complete application and project implementation for the Texas CDBG-MIT Regional Mitigation Program's method of distribution development (CDBG MIT-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).**

Barry Calhoun, Public Works Director, recommended Grantworks and stated that this is 3.1 million for drainage.

Motion made by Councilwoman Sitz to approve the resolution selecting Grantworks as an Administration/Project Delivery Service Provider, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 9. Resolution ~ Discuss, consider, and/or approve selecting an Engineering/Architectural Service Provider to complete application and project related Engineering/Architectural Services for the Texas CDBG-MIT Regional Mitigation Program's method of distribution development (CDBG MIT-MOD) Program(s) funded and administered through the Texas General Land Office (GLO).** Barry Calhoun, Public Works Director

Motion made by Councilman Finlay approve the resolution selecting Lynn Engineering as the Engineering/Architectural Service Provider, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 10. Lease ~ Discuss, consider, and/or approve a Commercial Aviation Lease Agreement with Williams Field Services for premises at the Bay City Regional Airport.** James Mason, Airport Manager

Mayor Pro Tem Folse questioned the utility payment of \$400, concerned it was too low. and asked about using existing well. James Mason replied that they will be using the well and Councilman Westmoreland stated that it was not the case a few months back. Mayor Pro Tem Folse and Councilman Westmoreland are concerned that the utility is too low and the cost of the city putting in sidewalk was too low.

Item tabled to bring back with rate study.

- 12. Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City, Matagorda County, Texas, authorizing professional service provider(s) selection for American Rescue Plan Act (ARP Act) program(s).**

Scotty Jones, Finance Director, presented and recommended Civil PE

Motion made by Councilwoman Sitz to approve the resolution authorizing Civil PE as a professional service provider, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 13. Grant ~ Discuss, consider, and/or approve various equipment to be funded by the American Rescue Plan Funds and authorize staff to proceed with procurement.** Scotty Jones, Finance Director

Motion made by Councilwoman Brown to approve the various equipment to be funded by the ARP grant and proceed with procurement, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 14. Ordinance ~ Discuss, consider and/or approve an Ordinance of the City of Bay City, Texas, adopting a Fee Schedule attached hereto as exhibit "A" and labeled "Appendix B" to be added to the Code of Ordinances of the City of Bay City, Texas; adopting fees and charges for various City services and consolidating those fees and charges for convenience; providing for repeal; providing for ratification; providing a penalty; providing for severability; and providing an effective date.** Scotty Jones, Finance Director

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

- 15. Policy ~ Discuss, consider, and/or approve the Budgetary and Financial Management Policy.** Scotty Jones, Finance Director

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

- 16. Policy ~ Discuss, consider, and/or approve a Resolution to adopt the City's Investment Policy.** Scotty Jones, Finance Director

Motion made by Councilman Westmoreland to approve a resolution adopting the City's investment policy, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson,

Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

17. Planning ~ Discuss, consider, and/or approve Financial Participation in the Public Improvement of TIRZ #4. Shawna Burkhart, City Manager

Item moved to Executive Session.

19. Utilities ~ Discuss, consider, and/or approve cleaning city water wells for arsenic removal.

Mayor Nelson stated that Councilwoman Sitz investigated with Mr. Odey. Mr. Odey has given Barry Calhoun and Krystal Mason some information. Mr. Calhoun stated that Mike Odey gave them some good information and options. Krystal Mason added that Mr. Odey's suggestion was to pull the well, clean it, do a "down hole" camera study, and a water quality study by zones of the well. Would require TCEQ approval, and does not think its a technique to use because it does not change the water quality. Mr. Burnett proposed site survey similar to Garver. Alfa Water Tech just not in our budget. Council took no action.

CLOSED / EXECUTIVE SESSION

Council adjourned the regular meeting to convened into an executive session at 8:40 pm.

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

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

RECONVENE AND ACTION

Council reconvened the regular session at 9:36 and took no action on items #17, #21 and #22.

20. Agreement ~ Discuss, consider, and/or authorize the City Manager to enter into an agreement with Matagorda County or Patriot Strategies for grant writing purposes for the proposed natatorium/aqua center. Shawna Burkhart, City Manager

A motion was not made.

ITEMS / COMMENTS FROM MAYOR, COUNCIL MEMBERS AND CITY MANAGER

Councilwoman Sitz asked that La Casona's \$4000 water bill be looked into, also requested that the City Hall windows be cleaned, stated that the Drainage District has streamlined processes, and Maddox preliminary plat was approved.

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 9:46.

PASSED AND APPROVED, this 25th day of October 2022.

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • OCTOBER 11, 2022

COUNCIL
CHAMBERS | 1901
5th Street

City Council Regular Meeting

6:00 PM

1901 5TH STREET
BAY CITY TX, 77414



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

Through a united and collaborative effort, we seek to grow the City of Bay City with a diverse culture that is proud to call Bay City home. We envision a thriving family-centered community where citizens are involved in the future development of our city. We desire our citizens to work, play, worship and shop in the community in which we live. Visitors are welcomed and encouraged to enjoy the friendly environment and amenities the citizens and business owners have created together.

CALL TO ORDER AND CERTIFICATION OF QUORUM

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

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

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Councilwoman Becca Sitz

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Jessica Russell, Executive Director of the Bay City Community Development Corporation, introduced Aron Ward with Zion Development and presented a recognition award as a new developer. Mr. Ward thanked the city for the opportunity.

ACKNOWLEDGEMENT FROM CITY MANAGER

Shawna Burkhart, City Manager, introduce the new City Engineer Tech Gabriel Lopez.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

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

1. **Meeting minutes of Council Special Called Meeting minutes of September 13, 2022.**
2. **Meeting minutes of Council Special Called Meeting minutes of October 3, 2022.**
3. **City Council Regular Meeting minutes of September 13, 2022**

DEPARTMENT REPORTS**4. LCRA Grant awarded to Parks & Recreation.**

Shawn Blackburn, Parks & Recreation Director, presented the award of a grant from LCRA providing \$50,000 in funding that will be used towards the Soccer Program projects.

5. Municipal Court Award Presentation.

Katy Plunkett, Municipal Court Administrator, expressed her passion to build an outreach program geared toward car seat and seat belt safety for the children of our community. Bay City Municipal Court was awarded the 2022 Municipal Traffic Safety Initiative as one of nine low volume court winners and one of twenty four overall winners in the State of Texas.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**6. Appointment ~ Discuss, consider, and/or approve the appointment of Kristi Lee to the Main Street Board.**

Tina Israel, Main Street Manager, stated that Kristi Lee was unable attend tonight. Ms. Israel provide council with a brief bio of Ms. Lee, Mayor Nelson added that he was impressed with Ms. Lee and believe she will make a good addition.

Motion made by Mayor Pro Tem Folse to approve the appointment of Kristi Lee to the Main Street Board, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

7. Policy ~ Discuss, consider and/or approved the 2023 City Holiday Schedule.

Rhonda Clegg, Director of Human Resources, presented the City Holiday schedule noting that it was the same as last year. Councilwoman Brown asked about how the Christmas Eve and New Years Eve holidays are observed and that this was a concern of hers.

8. Resolution ~ Discuss, consider, and/or approve a Resolution approving the submission of the "Project Justice" project grant application under the Criminal Justice Grant with the Office of the Governor, Criminal Justice Division.

Detective Sargent Chris Hadash reviewed the grant in which the first year was approved. They are now requesting the second year be approved.

Motion made by Councilwoman Brown to approve the resolution, Seconded by Councilwoman Sitz.

Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse,

Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 9. 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 AR Turnkee Construction Company, Inc.**

Barry Calhoun, Public Works Director, presented the proposed bid award adding that this was a 100% grant funded project stemming from Hurrican Harvey grants.

Motion made by Mayor Pro Tem Folse to award the bid to AR Turnkee, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay

- 10. Ordinance ~ Discuss, consider, and/or approve an Ordinance of the City of Bay City, Texas adopting a "Budget Amendment #4" to the "Annual Budget of the City of Bay City, Texas, for the Fiscal Year 2022"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.**

Scotty Jones, Finance Director, presented the proposed budget amendments.

Motion made by Councilman Westmoreland to approve the ordinance amending the 2022 budget, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 11. Resolution ~ Discuss, consider, and/or adopt a resolution acknowledging the potential conflict of interest regarding the Home Program.** Scotty Jones, Finance Director

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

- 12. Resolution ~ Discuss, consider, and/or adopt a resolution acknowledging the potential conflict of interest regarding the Home Program.** Scotty Jones, Finance Director

Motion made by Councilwoman Brown to approve the resolution, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem

Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

13. Committee ~ Discuss, consider and/or approve the creation and appointments of an ADHOC Windstorm Committee.

Shawna Burkhart, City Manager, stated she would like herself, Scotty Jones and two councilmembers on the committee to look at windstorm.

Motion made by Councilwoman Brown to approve the creation of an ADHOC Windstorm Committee and appointing Shawna Burkhart, Scotty Jones, Councilman Westmoreland and Councilwoman Sitz, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

14. Committee ~ Discuss, consider, and/or approve the creation and appointments of a Real Property Advisory Committee.

Shawna Burkhart, City Manager, stated the real property owned by the city was persued by former Councilman Cornman. Ms. Burkhart stated that this is a large project that would need at least three meetings. Ms. Burkhart recommended that the committee consisted of five members and herself. Mayor Robert Nelson and Councilman Blayne Finlay both expressed a desire to be on the committee. Council is to submit there candidates to the City Manager.

Motion made by Councilman Finlay to approve the creation of a Real Property Advisory Committee, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

15. Ordinance ~ Discuss, consider and approve the temporary rescheduling of Council meetings from the 2nd and 4th Tuesday to the 1st and 3rd Tuesday, for the months of November and December 2022.- Shawna Burkhart, City Manager

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

CLOSED / EXECUTIVE SESSION

Council adjourned the regular meeting to convene into an executive session at 6:52 pm.

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

- 17. 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**

RECONVENE AND ACTION

Council reconvened the regular session at 7:21 pm and took no action on items #16 and #17.

ITEMS / COMMENTS FROM MAYOR, COUNCIL MEMBERS AND CITY MANAGER

Councilwoman Brown asked about the solar panel solicitors in town. Councilman Finlay stated that National Night Out went real well in his neighborhood adding that Captain Rodriguez in depth about crime and Councilman Finlay thanked her and the department for their time. Councilwoman Brown stated that she went to the TML conference and thanked the City Attorney for her good hospitality as well as the City Manager and her husband. Councilwoman Sitz commented on the City Holidays stating that it is two more than any one else and we should revisit, announced that that the Food Truck festival is this Saturday, working with TxDOT regarding the sidewalk road adjacent as well as easements.

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 council adjourned at 7:27 pm.

PASSED AND APPROVED, this 25th day of October 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: Denbow, Samantha **Date Submitted:** 10/18/2022
Last, First *MM/DD/YYYY*

Requestor Type : City Staff **Meeting Date:** 10/25/2022
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Library Director
For City Staff Only

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

Agenda Content:

REPORT: LIBRARY QUARTERLY REPORT AND UPDATES

Executive Summary of Item:

Enter Text Here.

Bay City Public Library FY22 Quarterly Report – 4th Quarter

Stat	Quarter 1	Quarter 2	Quarter 3	Quarter 4	FY22 Total
Physical Circulation	7000	7170	9217	9968	33355
Digital Circulation	1142	1200	1459	1698	5499
Computer Use	679	810	747	776	3012
Foot Traffic (Bay City)	355 *last 2 weeks of Dec	3325	4000	8159	15839
Foot Traffic (Sargent)	843	1048	522	701	3114
Number of Programs	109		70	73	252
Program Attendance	2531		1082	1017	4630

Business Plan

Objective	Status	Funding/Partners
Conduct a technology infrastructure overhaul of cabling, firewall, Wi-Fi equipment and battery backups through ERATE process	Complete	Erate funding Partner with IT
Increase accessibility of technology by adding hotspots, internet enabled devices and assistive technology	Hotspot project implemented 65 checkouts since 4/1/2022 – very positive responses from users. Requesting additional hotspots at next meeting.	Bay City Library Association

Add mobile computer lab, videoconferencing equipment and upgrade public computer software through TSLAC Technology Academy grant	Complete	TSLAC grant Partner with IT
Explore elimination of late fees to reduce barriers of service	No update since last report.	
Replace public use furniture with easy to clean furniture in response to COVID-19 pandemic	No change since last report.	
Continue to offer online services to further personal, professional, and educational growth during the pandemic	No change since last report.	
Purchase and install exterior signage through outside funding with Bay City Library Association	Contingent on outside funding	Bay City Library Association CDC Gateway Mortgage
Rehabilitate exterior of building	No change since last report.	
Develop Facility Improvement Plan to prioritize facility improvements	No change since last report.	
Continue to evaluate and improve programs and services currently in place	No change since last report.	

Highlights from Quarter 4

Student Library Cards: To date 4,363 (1,165 PISD and 3,198 BCISD) students have received student Library Cards through the new partnerships with Bay City ISD and Palacios ISD.

New Programs: Both branches have seen an increase in the types of programs offered. In Bay City, we have added CAD (Crafts for Adults with Disabilities) which is offered two times per month and open to any adult with intellectual disabilities. We have had regular attendance from Ability Beyond Disability and have started to see general public begin to attend. Starting in October, the Sargent Branch, which is a bus stop for Van Vleck) has added a weekly Pickup Club to offer crafts for the afterschool crowd, as well as a monthly adult craft night.

Staff: Two members of the staff – Ashley and Amanda - have completed the Library Support Staff Certification program through the American Library Association. They completed six four-week courses in library competencies, such as Foundations of Library Services, Library Technology, and Youth Services. Two staff members – Ashley and Pam - are currently attending a 6-week Virtual Family Place Training funded by the Bay City Library Association. This continues the library’s work in the Family Place project started in 2018.

Photos



National Night Out



National Night Out



Teen Tuesday – Felt Sushi



Back to School Bash with BCISD



Lego Club – Build a Boat that Floats Challenge



Sea Center Texas Skulls Exhibit – Fish Print Station



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

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

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: _____



OBSERVED HOLIDAYS MULTIPLE ENTITIES

Holiday	Entity																
	Federal	State of Texas	Bay City	Cleburne	Lake Jackson	Matagorda County	Rosenberg	Freeport	Port Lavaca	Wharton	Palacios	El Campo	Victoria	Alvin	Katy	Galveston	Tenaris
New Year's Eve			X					1/2 day									X
New Year's Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Martin Luther King	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	
President's Day	X	X	X		X	X		X			X		X	X	X		
Good Friday		Optional	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Memorial Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Juneteenth	X	X	X							X						X	
Independence Day	X	X	X	X		X	X	X	X	X	X	X	X	X	X	X	X
Labor Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Veteran's Day	X	X	X			X	X	X	X	X	X	X	X		X	X	
Thanksgiving Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Thanksgiving (Day After)		X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Christmas Eve		X	X	X		X	X	X	X	X	X	X	X	X	X	X	X
Christmas Day	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Miscellaneous (Birthday or Floating)			X				X	X	X				X	X			

*Federal holidays that fall on Saturday, the preceding Friday will be treated as the holiday. Holidays that fall on a Sunday, the following Monday will be treated as a holiday.
 **State of Texas does not observe the holiday if the holiday falls on the weekend. Such holidays will not be observed.
 **State employee is entitled to observe a holiday designated as optional, in lieu of any state holiday that requires a skeleton crew.