



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, May 09, 2023 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.

APPROVAL OF AGENDA

PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in response to the inquiry; recite an existing policy; or request staff places the item on an agenda for a subsequent meeting.

PROCLAMATIONS

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

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

- 4. Regular Council Meeting minutes of April 11, 2023**
- 5. Council Workshop meeting minutes of April 25, 2023.**
- 6. Insurance ~ Discuss, consider, and/or approve ratifying the City Manager's signature for binding policies associated with the City's Windstorm Insurance coverage.** Scotty Jones, Finance Director

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 7. Property ~ Discuss, consider, and/or approve a declaration of unusable equipment: a surplus police vehicle, and authorize staff to sell said surplus equipment through the use of an online auction or other means.** Lieutenant Clayton Ryman, Police Department
- 8. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending Chapter 66 of the Code of Ordinances of the City of Bay City, Texas by amending Article III (Tobacco Products), Division 1 "Generally", Division 2 "Distribution to Minors; providing severability clause; and providing an effective date.** Jeanna Thompson, City Secretary
- 9. Utilities ~ Discussion regarding the Texas Water Development Board (TWDB) requirement regarding water leaks.** Shawna Burkhart, City Manager
- 10. Appointment ~ Discuss, consider, and/or approve the appointment of Tammy Blackwell and Jeanna Thompson to the Public Housing Authority.** Robert K. Nelson, Mayor

CLOSED / EXECUTIVE SESSION**RECONVENE AND ACTION****ADJOURNMENT****AGENDA NOTICES:**

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

CERTIFICATION OF POSTING

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Friday, May 5, 2023 before 6:00 p.m.** Any questions concerning the above items, please contact the Mayor and City Manager's office at (979) 245-2137.



CITY OF BAY CITY
1901 FIFTH STREET
BAY CITY, TEXAS 77414
(979) 245-2137
FAX: (979) 323-1681

AGENDA ITEM REQUEST FORM

Complete Submissions Required:

Any item, to be considered for action by the City Council, must be presented on this form, along with any unprivileged documentation and must be filed and complete to have an item placed on the City Council Agenda for consideration (This process is not required for members of the governing body, but it is encouraged). Before being considered filed for placement on the agenda, a summary of the item, all supporting documentation and review of the item from each City Department must be performed for the request to be complete. If the request is from a citizen, the City shall expedite review through internal means. Request forms must be complete and received by the City Secretary's office no later than 5:00 p.m. on the Monday of the week prior to the Regular Council meeting to be placed on that meeting's agenda. The item may be placed on workshop or special council meeting agenda if deemed appropriate by the City. Only completed request forms are considered for placement on the agenda.

Regular Council meetings are held on the second and fourth Tuesday of the month at 6:00 p.m. in the Council Chambers at City Hall. Agenda items shall be set for consideration pursuant to City Code Section 2-47, as amended.

Requestor: Chris Anzaldúa
PRINTED NAME and/or CITY DEPARTMENT

Date Submitted: 4-27-23

Citizen _____ City Department _____ Council Member _____

Address: 2215 13th

Preferred contact: Cell 479-318-9374 Work phone _____
 E-mail _____ Fax _____

I respectfully request the below item be placed on the MAY 9th Agenda for City Council consideration.

1) Describe Item to be considered and area of City involved, if any: Motorcycle
AWARENESS MONTH PROCLAMATION

2) Executive Summary of Item and action by council sought: _____

3) Do you need time to present this item? Yes No If so, how much? _____

PROCLAMATION

WHEREAS, today’s society is finding more citizens involved in motorcycling on the roads of our country; and

WHEREAS, motorcyclists are roughly unprotected and therefore more prone to injury or death in a crash than other vehicle drivers; and

WHEREAS, campaigns have helped inform riders and motorists alike on motorcycle safety issues to reduce motorcycle related risks, injuries, and most of all, fatalities, through a comprehensive approach to motorcycle safety; and

WHEREAS, it is the responsibility of all who put themselves behind the wheel, to become aware of motorcyclists, regarding them with the same respect as any other vehicle traveling the highways of this country; and it is the responsibility of riders and motorists alike to obey all traffic laws and safety rules; and

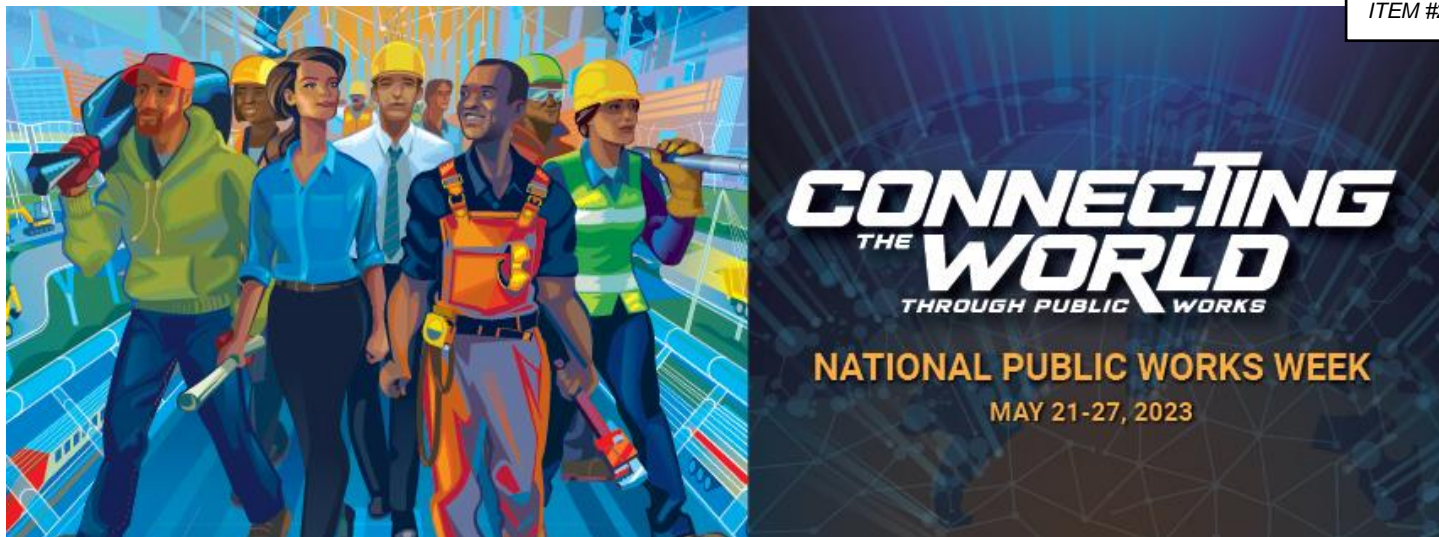
WHEREAS, it is important to urge all citizens of our community to become aware of the inherent danger involved in operating a motorcycle, and for riders and motorists alike to give each other the mutual respect they deserve.

NOW THEREFORE, I, ROBERT K. NELSON, MAYOR of the City of Bay City, Texas, designate the month of May 2023 as

“MOTORCYCLE SAFETY AND AWARENESS MONTH”

in Bay City, Texas and urge all residents to do their part to increase safety and awareness in our community.

ROBERT K. NELSON
MAYOR



National Public Works Week Proclamation (SAMPLE)

May 21–27, 2023

“Connecting the World Through Public Works”

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of **City of Bay City**; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers, and employees at all levels of government and the private sector, who are responsible for rebuilding, improving, and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in **City of Bay City** to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2023 marks the 63rd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association be it now,

RESOLVED, I, **Robert K. Nelson, Mayor**, do hereby designate the week May 21–27, 2023 as National Public Works Week; I urge all citizens to join with representatives of the American Public Works Association and government agencies in activities, events, and ceremonies designed to pay tribute to our public works professionals, engineers, managers, and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State (to be affixed),

DONE at the **City of Bay City, Texas** this 9th day of May 2023.

Robert K. Nelson, Mayor
City of Bay City

PROCLAMATION

WHEREAS, our law enforcement agencies play an essential role in safeguarding the rights and freedoms which have been guaranteed by the Constitution to every American citizen; and

WHEREAS, in 1962 President Kennedy proclaimed May 15th as National Peace Officers Memorial Day and the calendar week in which May 15th falls as National Police Week. Established by a joint resolution of Congress in 1962, National Police Week pays special recognition to those law enforcement officers who have lost their lives in the line of duty for the safety and protection of others; and

WHEREAS, it is important that people throughout our country know and understand the problems, duties, and responsibilities of their police departments and that members of our law enforcement agencies recognize their duty to serve the people by safeguarding life and property, by protecting them against violence or disorder, and by protecting the innocent against deception and the weak against oppression or intimidation; and

WHEREAS, the City of Bay City Police Department has grown to be a progressive and professional law enforcement agency which unceasingly provides a vital public service; and

WHEREAS, it is fitting and proper that we express our gratitude for the dedicated service and courageous deeds of our City of Bay City Police Department officers and for the contributions they have made to the security and well-being of our community.

NOW, THEREFORE, I, Robert K. Nelson, Mayor of the City of Bay City, do hereby proclaim that the week of May 14-20, 2023 shall be

NATIONAL POLICE WEEK

in the City of Bay City, and I urge all citizens to join the Mayor, Council, staff, and employees of the City of Bay City, Texas to do their part to increase safety and awareness in our community.

WITNESS MY HAND AND THE GREAT SEAL OF THE CITY OF BAY CITY, TEXAS this the 9th day of May, 2023.

Robert K. Nelson, Mayor

CITY OF BAY CITY

MINUTES • APRIL 11, 2023

COUNCIL
CHAMBERS | 1901
5th Street

City Council Regular Meeting

6:00 PM

1901 5TH STREET
BAY CITY TX, 77414



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

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

CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Robert K. Nelson at 6:00 pm and a quorum was 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 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 Councilman Westmoreland to approve the agenda with section "Items/Comments from Mayor, Councilmember and City Manager" moved to after "Public Comments", Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

PUBLIC COMMENTS

Dorkus Kleinhans, 1809 Willow, stated that she is working on a petition regarding Riverside Park. Ms. Kleinhans added that they expect a lot from council and want them to be the heroes and not the villains. Ms. Kleinhans believes Riverside Park could be self sufficient with help.

Ben Flores stated that he is campaigning regarding streets.

Andrea Love, 2911 Avenue D, asked Council to offer an incentive for homestead tax exemption credit.

David Torres, 1616 Cottonwood, stated that he was concerned about the sidewalk doesn't go towards Mary St and concerned about kids walking to school.

ACKNOWLEDGEMENT FROM CITY MANAGER

Shawna Burkhart, City Manager, acknowledge the Police Departments work on solving a recent shooting. Ms. Burkhart also acknowledged Public Works staff and appreciated the assistance given during this transition.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. **City Council Regular Meeting minutes of March 28, 2023.**
2. **City Council Workshop Meeting minutes of March 28, 2023.**

Motion made by Mayor Pro Tem Folse to approve with correction on page 10 Chick-fil-e to Chick-fil-A of the Regular Council Meeting minutes of March 28th, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

PROCLAMATIONS

3. **Proclamation ~ Month of April 2023 as "Sexual Assault and Child Abuse Awareness Month.** Brittany Matthews, Crisis Center Deputy Director

Mayor Nelson read the proclamation and presented it to members of the Crisis Center.

4. **Proclamation ~ Proclamation recognizing April 23 - 29, 2023 as National Library Week.**

Mayor read the proclamation and presented it to Samantha Denbow on behalf of the Bay City Library.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

5. **Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Van Vleck I.S.D. the Library Cards for Students Program.** Samantha Denbow, Library Director

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

6. **Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Bay City I.S.D. the Library Cards for Students Program.** Samantha Denbow, Library Director

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

7. **Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Palacios I.S.D. the Library Cards for Students Program.** Samantha Denbow, Library Director

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

8. **Bid ~ Discuss, consider, and/or award the construction bid for Project CE2023-001 JETA: Jet A Fuel System Improvements 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 Bassco Services Inc.**

James Mason, Airport Manager, presented the bid to improve the 20 year old jet fuel system. Mayor Pro Tem Folse and Scotty Jones, Finance Director, discussed the available ARPA funds for the project.

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

9. **Contract ~ Discuss, consider, and/or approve Contract Amendment No. 1 adding professional services for Work Order No. 9 WWTP Construction Management and Inspection, amending the original contract between City of Bay City and Garver, LLC dated October 27th, 2020.**

Shawna Burkhart, City Manager, stated that the contract was to add professional engineering services to start construction. Tyson Hann with Garver stated that this amends the original contract and gets LEM construction going. Councilman Westmoreland asked how many Garver employees are on this project and Mr. Hann answered around 75. Councilman Finlay stated that he was not expecting additional costs and Ms. Burkhart explained that this is applied in the five year plan as expected not additional.

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

10. Resolution ~ Discuss, consider, and/or approve resolution granting execution of an advance funding agreement with the state to replace or rehabilitate 8th St bridge over Cottonwood Creek.

Gabriel Lopez, Engineering Tech, introduced the resolutions for agenda items 10, 11, and 12. Each resolution to receive funding to repair bridges over Cottonwood Creek. Mr. Lopez added that this was 100% grant funding. Councilman Westmoreland asked about adding additional bridges and Mr. Lopez answered that they were waiting on a report.

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.

11. Resolution ~ Discuss, consider, and/or approve resolution granting execution of an advance funding agreement with the state to replace or rehabilitate Ave H bridge over Cottonwood Creek. Gabriel Lopez, Engineering Tech

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.

12. Resolution ~ Discuss, consider, and/or approve resolution granting execution of an advance funding agreement with the state to replace or rehabilitate Hamman Rd bridge over Cottonwood Creek. Gabriel Lopez, Engineering Tech

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.

13. Ratify ~ Discuss, review and/or approve ratifying adjusted utility fees.

Scotty Jones, Finance Director, discussed base rate for 1.5" and 2" and how it impacted residential customers. Ms. Jones requested to ratify the adjusted fees.

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

CLOSED / EXECUTIVE SESSION

Council adjourned into an executive session at 7:16 pm.

14. **Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
15. **Legal ~ Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).**
16. **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: City Manager**

RECONVENE AND ACTION

Council reconvened into a regular session at 10:20 pm and took no action on item #14, 15, and 16.

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

Councilman Blayne Finlay thanked Chief Rodriguez and Sargent Hadash for the ride-along. Councilman Finlay stated that he attended the Riverside Smoke Out and it was an excellent event and well attended.

Mayor Pro Tem Jim Folse thanked the game warden and deputies who came out and rescued teens lost on the river.

Councilman Bradley Westmoreland thanked Dorcus Kleinhans for recognizing the Library and added that Samantha Denbow does a wonderful job at the library. Councilman Westmoreland thanked Shawna Burkhart and staff for efforts for being stewards of the city and having its best interest.

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 10:21 pm.

PASSED AND APPROVED, this 25th day of April 2023.

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • APRIL 25, 2023

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Workshop

5:00 PM

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



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

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CALL TO ORDER

The workshop was called to order by Mayor Robert K. Nelson at 5:07 pm.

CERTIFICATION OF QUORUM

Quorum present

PRESENT

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

ABSENT

Councilman Blayne Finlay

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL

1. **Discuss windstorm and other related insurance policies and take any action deemed necessary.** Scotty Jones, Finance Director

Scotty Jones, Finance Director, opened the discussions stating that the options presented excluded CDC property. Ashley Rivera, Accounting Specialist, presented Council with renewal options for Windstorm Insurance and costs. Shawna Burkhart, City Manager, stated that the Gallagher option was the best coverage and second best is option 1 to prepare to go self funded in 19 years. Ms. Burkhart added that she was concerned about the State limiting certificate of obligations and the impact it will have on the city. Councilman Westmoreland stated that the renewal is coming soon. Councilwoman Sitz advised to let this year be our first risk year. Councilman Westmoreland added that if we take out a bond to build or repair something then that structure will have to have windstorm. There were additional discussions regarding current legislation in regard to bonds and bond limits. Mayor Nelson stated that if we were to take out a bond to build a new Police Department then we would not be able to bond more because we've met our debt limit, then even if we self-insure, we can't bond any more money.

ADJOURNMENT

Motion made by Councilwoman Sitz to adjourn, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and council adjourned at 5:41 pm.

PASSED AND APPROVED, this 11th day of April 2023.

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY

**RATIFY THE CITY MANAGER’S SIGNATURE FOR BINDING POLICIES
ASSOCIATED WITH THE CITY’S WINSTORM INSURANCE COVERAGE**



EXECUTIVE SUMMARY

BACKGROUND:

The City carries windstorm coverage on most properties, however during Hurricane Harvey and Hurricane Nicholas—very little has been paid out on claims due to the exclusion of “wind driven rain”. The City experienced a 42% increase in 2020, a 9% increase in 2021, and a 20% increase in 2022. In 2022, the Staff requested this to be bid in two ways:

- 1) All properties
- 2) Essential Properties (only critical service buildings)

On April 26, 2022, City Council action was to cover all properties one more year until further discussion on windstorm options could be made.

In October 2022, a windstorm committee was formed. It was concluded at the October 25 meeting to only bid out a select set of essential buildings to the market and obtain a quote from TWIA for the 2023 renewal.

On April 25, 2023, the City Council tabled action to bind windstorm until the following meeting so that all Council members could be present. At that time- Council and Staff were provided assurance by Broker that an extension on a quote would not be a problem if we bind before any storms named or unnamed.

On April 26, 2023, our broker stated that after reaching out to Amrisc—the company stated they were unable to extend the quote but then re-bid as “new business” and more than likely due to the age of the buildings would not offer terms.

FINANCIAL IMPLICATIONS:

\$171K City Only (\$105K General Fund, 66K Hotel/Motel Fund)- Overall City cost decreased from Prior year by \$90K

Binder Id : 468644

Property Application and Statement of Values



Unless notified otherwise, completion of this form replaces the application, statement of values, hard copy loss runs and formally executed loss letters. This form contains the information submitted to date. The form must be completed, signed and returned for underwriter's review and acceptance within 30 days of inception. Any inaccurate information identified on the returned form is automatically deemed noted and agreed by underwriters upon receipt, so please return as soon as possible.

Named Insured: City of Bay City Account ID: 1057826
Mailing Address: 1801 Fifth Street, Bay City, TX 77414

Table with 10 columns: Loc/Bldg No., Address, City, State, Zip, Building Area (Sq. ft), % Automatic Sprinklers, Original Year Built, ISO Const. (1 to 6), No. Of Buildings, Initial each Section. Includes a Totals row and handwritten 'SB' marks.

If you have any questions regarding the type of construction or other information, discuss with your agent prior to signing this application.

Table with 5 columns: Valuation (RCV, RCV, RCV, ALS), Coins (N/A, N/A, N/A, 1/12th monthly), Loc/Bldg No., Building, Contents/BPP, Other, BI, Loc TIV. Includes a Totals row and handwritten 'SB' marks.

These values often form the basis of the policy's limit of liability. Please review carefully.

List ALL losses caused by requested perils for the prior 6 years that did or may exceed the specified threshold. Please add any losses if not listed. Incomplete loss history is considered material and may void coverage. Threshold: \$9,000

Table with 8 columns: DOL, Description / COL, Incurred, Status (O/C), DOL, Description / COL, Incurred, Status (O/C). Lists losses for Hurr Nicholas and Hurr Harvey with handwritten 'SB' marks.

Form with multiple questions regarding policy history, applicant type, and financial status. Includes a section for 'Explain any Yes answers' and 'List any Discrepancies'. Handwritten 'SB' marks are present.

Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony of the third degree. The insured further acknowledges the fraud statement above and understands the Policy will contain a Fraud Notice by state. Severe cancellation penalties apply to CAT exposed property - Form is available upon request. Carriers' participation may change prior to binding or throughout the coverage period.

In accordance with insurance rules and regulations, this notice is to inform you that AmRisk, LLC for services rendered may receive compensation in the form of commission paid as a percentage of premiums and fees. Fees are assessed in compliance with applicable state law and are due when coverage is bound. I, the undersigned, have reviewed the terms, conditions, premiums, fees and amount to be charged and find them to be acceptable. By signing below, and in exchange for the coverages to be provided pursuant to the terms and conditions of the applicable insurance policy, I agree to pay the premiums, fees, and other amounts to be charged.

To the best knowledge of the applicant and the producer, the above information is true and complete. Initial each Section.

Signature and title lines for Applicant (Shawna D Burkhardt, City Mgr) and Producer. Includes handwritten date 4-28-23 and handwritten 'SB' marks.



**POLICY DECLARATIONS PAGE
COMMERCIAL POLICY**

POLICY NUMBER	EFFECTIVE DATE/TIME	EXPIRATION DATE/TIME
TWCB0100080682	04/27/2023 12:01 a.m.	04/27/2024 12:01 a.m.
NAME INSURED AND ADDRESS		AGENCY NAME AND LOCATION
CITY OF BAY CITY 1901 5TH ST BAY CITY TX 77414-6199		VICTOR INSURANCE MANAGERS LLC VICTOR INSURANCE MANAGERS LLC (11829) 500 DALLAS STREET SUITE 1400 HOUSTON TX 77002 (713) 787-2431

IMPORTANT

Early cancellation may result in approximately 25% of your premium being retained by Texas Windstorm Insurance Association.

This policy is subject to an immediate surcharge if determined necessary by the Texas Insurance Commissioner. Failure to pay the surcharge will result in cancellation of the policy.

COVERAGES - Windstorm and Hail Only

In consideration of the stipulations and conditions herein or added hereto which are made a part of this policy, and of the premiums provided, TWIA does insure the insured named above and legal representatives FROM the effective date shown above TO the expiration date shown above at 12:01 a.m. Standard Time at the location of property against direct loss resulting from the perils of Windstorm and Hail only which have a premium inserted opposite thereto and only on the property described and located as provided hereon.

COVERAGES SUMMARY

TOTAL POLICY PREMIUM: \$163,273
Minimum earned premium applies

LOCATION INFORMATION: LOCATION 1

LOCATION ADDRESS	COUNTY	TERRITORY CODE
1901 5th St. Bay City, TX 77414	Matagorda	10

7

City of Bay City
 Windstorm AmRisc-TWIA 3rd revision
 April 27, 2023-April 27, 2024

AmRisc at 5% deductible, minimum \$250,000 per occurrence

ID	Building Description	Address	City	Zip	Building Value	Content Value	Total Value	Cost Per Item	Year Built	Construction Area	Flood Zone	Roof Age
1	Communication Building/Tower	4511 Starling Dr	Bay City	77414-8277	\$322,157	\$0	\$322,157	\$3,737	1984 5		280 C	
2	Civic Center w/Flag Pole	2001 7th St	Bay City	77414-5113	\$5,591,975	\$95,000	\$5,686,975	\$65,965	1975 4		37693 A3	2018
11	Fire Department	1900 6th St	Bay City	77414-5133	\$1,180,872	\$0	\$1,180,872	\$13,697	1949 2		8316 C	2018
13	Municipal Court/Flag Pole	1824 6th St	Bay City	77414-5131	\$410,142	\$50,000	\$460,142	\$5,337	1927 2		3179 C	
19	Police Dep/Flag Pole/130kw Generator	1916 6th St	Bay City	77414-5133	\$2,118,065	\$208,200	\$2,326,265	\$26,983	1982 4		11440 B	
32	City Hall Annex Building	1900 5th St	Bay City	77414-6144	\$683,797	\$74,900	\$758,697	\$9,600	1989 1		5126 B	
59	Animal Impound	4611 Starling Dr	Bay City	77414-8277	\$156,023	\$0	\$156,023	\$1,810	1990 3		1500 C	
	Business Income				\$200,000		\$200,000	\$2,320				
					\$10,663,031	\$428,100	\$11,091,131	\$128,650				
							Total Cost!					

TWIA at 1% deductible

ID	Building Description	Address	City	Zip	Building Value	Content Value	Total Value	Cost Per Item	Year Built	Construction Area	Flood Zone	Roof Age
10	City Hall	1901 5th St	Bay City	77414-6199	\$2,617,000	\$110,000	\$2,727,000	\$10,334	1965 4		11370 B	
12	Service Center	2105 Ave M	Bay City	77414-5233	\$1,000,000	\$28,000	\$1,028,000	\$13,323	1941 1		11700 B	
64	Center for Energy Dev/Training Center/Flag Pole	4000 Ave F	Bay City	77414-7612	\$4,324,000	\$100,000	\$4,424,000	\$111,217	1989 4		87456 C	2020
139	Library	1100-1100A 7th St	Bay City	77414-4915	\$3,374,000	\$1,050,000	\$4,424,000	\$18,625	1967 4		20887 A3	2018
147	Training Facility	4010 Avenue F	Bay City	77414-0000	\$721,000	\$0	\$721,000	\$9,774	2015 4		5,040 C	
					\$12,036,000	\$1,288,000	\$13,324,000	\$163,273				

Total AmRisc & TWIA \$291,923

Scotty Jones

From: Patel, Heena A <heena.patel@victorinsurance.com>
Sent: Wednesday, April 26, 2023 4:51 PM
To: Scotty Jones
Subject: RE: City of Bay City-windstorm update-AmRisc quote expires tonight at midnight

Apologies Scotty,

AmRisc in the past has always extended quotes, and we hardly have any accounts that lapse in coverage, so I don't request too often.

This is the first year that AmRisc informed us that it would not give an extension on a quote.

Heena Patel, AU

Senior Account Executive, Vice President, Victor US

500 Dallas Street, Suite 1400, Houston, TX 77002

P: 713-787-2424

P: 713-787-2424

heena.patel@victorinsurance.com



From: Scotty Jones <sjones@cityofbaycity.org>
Sent: Wednesday, April 26, 2023 4:26 PM
To: Patel, Heena A <heena.patel@victorinsurance.com>
Subject: RE: City of Bay City-windstorm update-AmRisc quote expires tonight at midnight

CAUTION: This email originated outside the company. Do not click links or open attachments unless you are expecting them from the sender.

Heena,
We are binding but you told me that we didn't need to worry if no decision was made as long as a storm was not out there. Why all of a sudden changing response?
Scotty

ITEM #6.

From: Patel, Heena A <heena.patel@victorinsurance.com>
Sent: Wednesday, April 26, 2023 12:51 PM
To: Ashley Rivera <arivera@cityofbaycity.org>; Scotty Jones <sjones@cityofbaycity.org>
Cc: Racquel Brown <RBrown1@tmlrp.org>; lnolen@tmlrp.org
Subject: City of Bay City-windstorm update-AmRisc quote expires tonight at midnight

Good afternoon Ashley & Scotty,

Spoke to Ashley this morning, and she informed me that windstorm coverage is going to be tabled until next week's meeting. Please note that as of mid-night tonight, the city will not have any wind/hail coverage.

The AmRisc quote expires today, so I asked for an extension on the quote. Unfortunately, AmRisc is *unable* to extend the quote to 5/15 while city goes bare.

We will have to re-submit the schedule of locations as *new business*. We will then be working with another underwriter who does new business. It is likely that AmRisc will not offer terms because coverage is wind/hail only and due to age of the buildings.

Quite possible that we will have to utilize another insurance company, which will most probably be higher than the current AmRisc renewal pricing.

AmRisc is renewing older buildings, but is hardly accepting new business with older construction.

Best thing is to make a decision today if city has any interest in purchasing AmRisc.

We can wait if it's TWIA, but there will still be a lapse in coverage.

Ashley, I will be calling you shortly to discuss.

Best,

Heena Patel, AU

Senior Account Executive, Vice President, Victor US

500 Dallas Street, Suite 1400, Houston, TX 77002

P: 713-787-2424

P: 713-787-2424

heena.patel@victorinsurance.com





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: Ryman, Clayton **Date Submitted:** 04/21/23
Last, First *MM/DD/YYYY*

Requestor Type : City Staff **Meeting Date:** 05/09/23
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Lieutenant
For City Staff Only

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

Agenda Content:

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

Executive Summary of Item:

2016 Ford Explorer – Unit number 883 mileage 84,961.





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

AGENDA ITEM SUBMISSION FORM

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Requestor Name: Jeanna Thompson/Chief Rodriguez **Date Submitted:** 5/4/23
Last, First *MM/DD/YYYY*

Requestor Type : Staff **Meeting Date:** 5/9/23
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title City Secretary
For City Staff Only

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

Agenda Content:

Discuss, consider, and/or approve:

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

Executive Summary of Item:

Police Department request. Definition of Tobacco Products needed updating to include vaping, e-cigarettes, etc.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 66 OF THE CODE OF ORDINANCES OF THE CITY OF BAY CITY, TEXAS BY AMENDING ARTICLE III (TOBACCO PRODUCTS), DIVISION 1 “GENERALLY”, DIVISION 2 “DISTRIBUTION TO MINORS; PROVIDING SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS:

Section 1. That Chapter 66, Article III, of the Code of Ordinance shall be amended as follows:

DIVISION 1. – GENERALLY

Sec.66-89. – Definitions

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

"Tobacco product" means:

- (a) a cigar;
- (b) smoking tobacco, including granulated, plug-cut, crimp-cut, ready-rubbed, and any form of tobacco suitable for smoking in a pipe or as a cigarette;
- (c) chewing tobacco, including Cavendish, Twist, plug, scrap, and any kind of tobacco suitable for chewing;
- (d) snuff or other preparations of pulverized tobacco; or
- (e) an article or product that is made of tobacco or a tobacco substitute and that is not a cigarette or an e-cigarette as defined by Section 161.081, Health and Safety Code.

"Cigarette" has the meaning assigned by Section 154.001, Tax Code.

(a) "E-cigarette" means:

- (i) an electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device; or

- (ii) a consumable liquid solution or other material aerosolized or vaporized during the use of an electronic cigarette or other device described by this subdivision.
- (b) The term "e-cigarette" does not include a prescription medical device unrelated to the cessation of smoking.
- (c) The term "e-cigarette" includes:
 - (i) a device described by this subdivision regardless of whether the device is manufactured, distributed, or sold as an e-cigarette, e-cigar, or e-pipe or under another product name or description; and
 - (ii) a component, part, or accessory for the device, regardless of whether the component, part, or accessory is sold separately from the device.

Sec. 66-89 90. – Vaping, Ssmoking and use of tobacco products in city-owned buildings prohibited; exceptions.

- (a) *Prohibition.* Smoking and the use of any tobacco product, including but not limited to cigarettes, cigars, pipes, chewing tobacco and/or snuff, in any city-owned building or enclosed structure is declared to be a health hazard, and is hereby prohibited except as limited by subsection (c) of this section.
- (b) *Penalty.* Violation of subsection (a) of this section by any person shall constitute a Class C misdemeanor and shall be punished by a fine not to exceed \$500.00.
- ~~(c) *Exceptions.* This section shall not apply to the following city owned buildings and/or enclosed structures:~~

~~(1) The residential house located at 2001 Fifth Street, Bay City, Texas 77414.~~

~~(2) The old fire station located at 2001 Sixth Street, Bay City, Texas 77414.~~

Sec. 66-90 91. - Penalty and culpability.

- (a) Each violation of this article is punishable by a fine not to exceed ~~\$200.00~~ \$500.00.
- (b) There shall be no requirement of a culpable mental state for a violation of this article.

DIVISION 2. - DISTRIBUTION TO MINORS

~~Sec. 66-109. – Definitions.~~

Sec. 66-110. - Minimum age to sell tobacco products.

It shall be unlawful for any person or entity to engage, employ or permit any person under ~~18~~ 21 years of age to sell tobacco products.

Sec. 66-111. - Purchase by minors prohibited.

It shall be unlawful for any person under the age of ~~18~~ 21 years to purchase tobacco products, or to misrepresent their identity or age, or to use any false or altered identification for the purpose of purchasing tobacco products.

Sec. 66-112. - Possession by minors prohibited.

It shall be unlawful for any person under the age of ~~18~~ 21 years to possess any tobacco products, provided that the possession by a person under the age of 18 years under the direct supervision of the parent or guardian of such person shall not be prohibited

Section 2. Repealing Clause.

That all Ordinances, Resolutions, or parts thereof, in conflict herewith are repealed to the extent of such conflict.

Section 3. Severability Clause.

If for any reason any section, subsection, sentence, clause or phrase of this Ordinance, shall be held invalid, it shall not effect any valid provisions of this or any other ordinance of the City of Bay City, Texas.

Section 4. Effective Date.

This Ordinance shall become effective on the 25th day of April, 2023.

PASSED AND APPROVED this ____ day of _____ 2023.

Robert K. Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney

Council Member:	Voted Aye	Voted No	Absent
Robert K. Nelson, Mayor	_____	_____	_____
Floyce Brown	_____	_____	_____
James Folsie Mayor Pro Tem	_____	_____	_____
Brad Westmoreland	_____	_____	_____
Becca Sitz	_____	_____	_____
Blayne Finlay	_____	_____	_____

Robert K. Nelson, Mayor

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney



CITY OF BAY CITY VOLUNTEER INTEREST FORM

Dear Resident:

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

PLEASE TYPE OR PRINT:

Date: 02/20/1964
Name: Tammy L Blackwell Home Address: 2914 Live Oak Ave
City: Bay City State Tx Zip 77414
Home Phone: [REDACTED] Business Phone: _____
Employer: Bay City ISD Occupation: School Bus Driver
E-mail: [REDACTED]

Resident of the Bay City Corporate City Limits: (circle one) Yes No

Resident of City for 3.5 years

I am interested in serving on the following boards:

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

1.) Select First Choice: _____ 2.) Select Second Choice: _____	3.) Select Third Choice: _____ 4.) Select Fourth Choice: _____
---	---

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

I'm a resident of the Live Oak Village. This property is under Bay City Housing. I would like to have the chance to be selected as a resident board member.

(My only choice as a board member would be for Bay City Housing)

eSigned via SeamlessDocs.com

Key: b706a7f3e8b9bca99b123267b71b76ec
Signature

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



CITY OF BAY CITY VOLUNTEER INTEREST FORM

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PLEASE TYPE OR PRINT:

Date: 05/05/2023
Name: Jeanna Thompson Home Address: 2904 Ave G
City: bay city State TX Zip 77414
Home Phone: [REDACTED] Business Phone: 979-245-5311
Employer: City of Bay City Occupation: City Secretary
E-mail: [REDACTED]

Resident of the Bay City Corporate City Limits: (circle one) Yes No

Resident of City for 43 years

I am interested in serving on the following boards:

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

1.) <u>Housing Authority</u>	3.) <u>Select Third Choice:</u>
2.) <u>Select Second Choice:</u>	4.) <u>Select Fourth Choice:</u>

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

Secretary and Treasurer of former Matagorda County Crime Stoppers
Past Treasurer of Shop With A Cop

eSigned via SeamlessDocs.com
Jeanna Thompson

Signature

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