



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, February 14, 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."*

Councilwoman Becca Sitz

MISSION STATEMENT

The City of Bay City is committed to fostering future economic growth by collaborating with our citizens, employers, current and future businesses, as well as the Community and Economic Development Centers. We strive to deliver superior municipal services and to invest in quality-of-life initiatives such as housing, businesses, jobs and activities for all citizens. We make a concerted effort to respond to resident's concerns in a timely and professional manner in order to achieve customer satisfaction.

Councilwoman Becca Sitz

APPROVAL OF AGENDA**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

1. **Parks and Natural Areas award from H-GAC**

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

2. **Accounts Payable, Direct Payable and Utility Refunds for October, November, and December 2022**
3. **Council Workshop Meeting minutes of January 10, 2023.**
4. **Regular Council Meeting minutes of January 10, 2023.**
5. **Regular Council Meeting minutes of January 24, 2023.**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

6. **Ordinance ~ Discuss, consider, and/or recommend approval of the Final Project and Financing Plan to the City Council. David Pettit, DPED**
7. **Presentation ~ Discuss, consider, and/or approve CityByApp. P. Darve Smith, Tourism Manager**
8. **Grant ~ Discuss, consider, and/or approve Bay City's authorization to issue request for proposals for Administrative Services (RFP) and request for qualification (RFQ) for the Transportation Alternatives-Set aside Program funded through the Texas Department of Transportation. Gabriel Lopez, Engineering Tech**
9. **Discuss, consider, and/or approve a Resolution granting a Supplemental Easement and Right Away to AEP Texas Inc. Gabriel Lopez, Engineering Tech**
10. **Report ~ Discuss, consider, and/or approve the City's Quarterly Financial and Investment Report for the quarter ending December 31, 2022. Scotty Jones, Finance Director**
11. **Bid ~ Discuss, consider, and award bid to Target Roofing for Armory Building Re-Roof project. Scotty Jones, Finance Director**
12. **Procurement ~ Discuss and take any action to approve emergency procurement by City Manager for repair of Grace Water Plant well. Shawna Burkhart, City Manager**

- 13. Settlement ~ Consider and take action deemed necessary on Opioid Settlement Participation Agreements with Allergan, CVS, Walgreens and Walmart.** Anne Marie Odefey, City Attorney

CLOSED / EXECUTIVE SESSION

- 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).**

RECONVENE AND ACTION

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL CONTINUED

- 16. Policy ~ Discuss, consider, and/or approve the re-acquisition of procedures, reviews, permitting and approval for drainage projects with the City of Bay City and ETJ.** Jessica Russell, Executive Director of Bay City Community Development Corporation

ITEMS / COMMENTS FROM THE 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, February 10, 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.

AGENDA ITEM REQUEST FOR CITY COUNCIL APPROVAL

PER CHARTER SECTION 4.10 (C) - AT LEAST ONCE A QUARTER, COUNCIL SHALL VOTE TO APPROVE THE CITY EXPENDITURES MADE SINCE THE LAST QUARTER. EXPENDITURE DETAIL CAN BE FOUND ON THE CITY'S WEB. <https://cityofbaycity.mygovcenter.com>

ACCOUNTS PAYABLE	10/10/22
ACCOUNTS PAYABLE	10/14/22
ACCOUNTS PAYABLE	10/21/22
ACCOUNTS PAYABLE	10/27/22
ACCOUNTS PAYABLE	11/03/22
ACCOUNTS PAYABLE	11/09/22
ACCOUNTS PAYABLE	11/10/22
ACCOUNTS PAYABLE	11/14/22
ACCOUNTS PAYABLE	11/18/22
ACCOUNTS PAYABLE	11/23/22
ACCOUNTS PAYABLE	12/02/22
ACCOUNTS PAYABLE	12/08/22
ACCOUNTS PAYABLE	12/16/22
DIRECT PAYABLES	10/04/22
DIRECT PAYABLES	10/13/22
DIRECT PAYABLES	10/27/22
DIRECT PAYABLES	11/22/22
DIRECT PAYABLES	12/05/22
DIRECT PAYABLES	12/15/22
DIRECT PAYABLES	12/21/22
UTILITY REFUNDS	10/12/22
UTILITY REFUNDS	11/08/22

RESPECTFULLY SUBMITTED

**FINANCE DIRECTOR
January 18, 2023**

SCOTTY JONES

CITY OF BAY CITY
MINUTES • JANUARY 10, 2023

COUNCIL CHAMBERS 1901 5th Street	City Council Workshop	5:00 PM
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**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

The meeting was called to order by Mayor Robert K. Nelson at 5:04 pm.

CERTIFICATION OF QUORUM

Quorum certified.

PRESENT

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

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL**1. Discuss updates on arsenic project.**

Barry Calhoun, Public Works Director, discussed December 20th meeting with local engineers and that the meeting was informative. Action items from the meeting were: 1) We have 180 days to submit plan to TCEQ . 2) Reach out to TCEQ on use of emergency well only. 3) Maintenance and concerns to not waste money. 4) Locate property for 3rd new well and increase gallons per minute. 5) Objective that 2 new plants match in production. 6) Drill test wells to test quality. 7) TWDB was good on change of scope.

2. Discuss an update on the Wastewater Treatment Plant rehabilitation project.

Barry Calhoun, Public Works Director, hopes to have more information next meeting.

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 5:35 pm.

PASSED AND APPROVED, this 14th day of February 2023.

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

 JEANNA THOMPSON
 CITY SECRETARY

CITY OF BAY CITY
MINUTES • JANUARY 10, 2023

COUNCIL CHAMBERS 1901 5th Street	City Council Regular Meeting	6:00 PM
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**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."*

Mayor Pro Tem Jim Folse

MISSION STATEMENT

The City of Bay City is committed to fostering future economic growth by collaborating with our citizens, employers, current and future businesses, as well as the Community and Economic Development Centers. We strive to deliver superior municipal services and to invest in quality-of-life initiatives such as housing, businesses, jobs and activities for all citizens. We make a concerted effort to respond to resident's concerns in a timely and professional manner in order to achieve customer satisfaction.

Mayor Pro Tem Jim Folse

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Chief of Police, Christella Rodriguez, requested recognition of a citizen who witness a crime in progress. The citizen reported to the police and gave descriptions that led to arrest and saving the business over \$40,000 worth of equipment. Chief Rodriguez awarded Mayor Pro Tem Jim Folse a Chief Challenge Coin for his bravery and involvement.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL
1. Regular Council Meeting minutes of December 20, 2022.

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

DEPARTMENT REPORTS
2. Tourism reports:

- 1) Final report on Day of the Dead Event

Susie Brito, Day of the Dead Committee, provide the final report regarding the Day of the Dead Event. The event had a \$40,000 budget and spent \$38,664 and total revenue of \$3162

2) Sign update

Darve Smith, Tourism Manager, stated that he has been having trouble reaching the sign company.

3. Parks & Recreation presentation ~ Scenic Texas and Bay City Tree Give Away

Shawn Blackburn, Parks and Recreation Director, announced that the city was awarded the Scenic Texas Grant that provides 2000 trees to give away to the public. Mayor Nelson added that HGAC has recognized us for summer programs and it will be announce in February.

4. Public Works reports:

1) Patch Truck

Barry Calhoun, Public Works Director, provided an update on the patch truck and he has been in contact with the vendor and finding a compatible truck. Mr. Calhoun added that they are using ARPA funds and trying to find bust purchasing Co-op and looking at TIPS.

2) Hamman Road Drainage

Mr. Calhoun summarized the Hamman Road Drainage project. Stating that JTM is doing good work and staying on schedule. First Change Order was due to a conflict with the water line and had to lower the line. The second Change Order has three inlets added that were left out and an increase of \$107,849. Shawna Burkhart added that due to Nile Valley, was able to cut \$7000 and double booking of engineering expenses.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

5. Contract ~ Discuss, consider, and/or approve committing \$107,849.20 in additional ARPA funds towards the construction cost of Hamman Road Drainage Phase 1B Revised Project. Gabriel Lopez, Engineering Tech

Gabriel Lopez, Engineering Tech, presented to Council. Anne Marie Odefey, City Attorney, recommended holding the Change Order until credit of \$7000 is in writing.

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

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

Councilwoman Floyce Brown thanked those who attended New Hope Baptist Church's event honoring First Responders.

Mayor Pro Tem Folse commended the police officers for being prompt and professional and the dispatchers for getting the license plate out immediately.

Councilman Westmoreland commented on the condition of the 600 block of 4th, gave thanks for the work at Tennie Holmes school and asked why the potholes at Le Tulle Park were filled with dirt and rocks instead of asphalt. Mayor Nelson replied that there is a shortage of asphalt.

Councilwoman Floyce Brown stated that the construction/concrete trucks have torn up Spruce Street.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and the meeting adjourned at 6:38 pm.

PASSED AND APPROVED, this 14th day of February 2023.

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

JEANNA THOMPSON
CITY SECRETARY

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

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Councilman Brad Westmoreland

MISSION STATEMENT

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Councilman Brad Westmoreland

APPROVAL OF AGENDA

Mayor Nelson requested that item 15 be removed.

Motion made by Mayor Pro Tem Folse to approve the agenda with the removal of item 15, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

PUBLIC COMMENTS

Tina Israel, Main Street Manager, provided updates on Camofest and schedule of activities that will take place on Saturday.

ACKNOWLEDGEMENT FROM CITY MANAGER

There were no acknowledgements from the City Manager.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

- 1. Easement ~ Discuss, consider, and approve and amendment to Easement Agreement dated July 9, 1993.**

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

DEPARTMENT REPORTS

- 2. Public Works reports.**

Barry Calhoun, Public Works Director, provided work order stats stating that production was down due to the holidays. Mayor Nelson requested that the staff be aware that they're preparations before the winter freeze was appreciated. Mr. Calhoun gave updates on water and wastewater projects, mentioning that we were down to one out five blowers at the Waste Water Treatment Plant and that sand was the culprit at the Grace Street Plant.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 3. Appointment ~ Discuss, consider, and/or approve the appointments of Lyn R. McCalister and Robert D. Howard to the Public Housing Authority Commission .**
Robert K. Nelson, Mayor

Motion made by Mayor Pro Tem Folse to approve Lyn McCalister and Robert Howard to the Public Housing Authority Commission, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and Mayor Nelson swore in new commissioners.

- 4. Resolution ~ Discuss, consider, and/or approve a Resolution in support of the submission of an application to the 2023 competitive Housing Tax Credit (HTC) program through the Texas Department of Housing and Community Affairs (TDHCA) by Fieser Development, Inc., for the rehabilitation of Golden Manor Apartments.** Mark Meyer, Fieser Development

Motion made by Councilman Westmoreland 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.

- 5. Grant ~ Discuss and accept a donation of a Scanpro 3500 All-in-one Microfilm scanner valued at \$11,787.00 from the Bay City Library Association.** Samantha Denbow, Library Director

Motion made by Councilwoman Brown to accept the donation of the microfilm scanner, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

6. **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.**

Christella Rodriguez, Chief of Police and Detective Sargent Chris Hadash presented the resolution as the final application for the grant.

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

7. **Ordinance ~ Discuss, consider, and/or approve an ordinance authorizing the issuance of the City of Bay City, Texas, Tax and Surplus Revenue Certificates of Obligation, Series 2023A (CWSRF); authorizing execution and delivery of a paying agent/registrar agreement and an escrow agreement relating to such certificates; prescribing the form and said certificates; levying a tax and pledging surplus revenues of the Water and Sewer System in payment thereof; and enacting other provisions relating thereto.** Barry Calhoun, Public Works Director

Motion made by Councilman Westmoreland to approve the Ordinance to issue Series 2023A, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

8. **Ordinance ~ Discuss, consider, and/or approve an ordinance authorizing the issuance of the City of Bay City, Texas, Tax and Surplus Revenue Certificates of Obligation, Series 2023B (DWSRF); authorizing execution and delivery of a paying agent/registrar agreement and an escrow agreement relating to such certificates; prescribing the form and said certificates; levying a tax and pledging surplus revenues of the Water and Sewer System in payment thereof; and enacting other provisions relating thereto.** Barry Calhoun, Public Works Director

Motion made by Councilwoman Sitz to approve the Ordinance to issue Series 2023B, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

9. Budget ~ Discuss, Consider, and/or Approve Budget Amendments for the Bay City Community Development Corporation (BCCDC) for Fiscal Year End 2022.

Jessica Russell, BCCDC Executive Director

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

10. Agreement ~ Discuss, consider, and/or approve an agreement between the City of Bay City, Bay City Lions Club, Bay City Soccer Association, and Bay City Community Development Corporation for use of Hardeman Park Teen Center.

Shawna Burkhart, City Manager

Motion made by Councilwoman Sitz to approve the 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.

11. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending Section 998-123 of Chapter 98, Article III of the City Code of Ordinances, repealing conflicting ordinances, providing for publication, codification, enforcement, and savings, and providing an effective date.

Barry Calhoun, Public Works Director, stated that a developer had requested to use HDP pipe that is not under the roadway, otherwise RCP is needed for load. Mr. Calhoun was in agreement with the change to the ordinance.

Motion made by Councilwoman Sitz to approve the ordinance, 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. Contract ~ Discuss, consider, and/or approve a contract with Matagorda County to administer the General Election for May 6, 2023.

Jeanna Thompson, City Secretary, presented the contract providing the County Clerk to administer the election.

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

- 13. Ordinance ~ An Ordinance of the City Council of the City of Bay City, Texas, ordering a General Municipal Election to be held on the 6th day of May 2023; authorizing the Mayor, or designee, to enter into an agreement with Matagorda County to conduct the General Municipal Election on behalf of the City of Bay City; designating the places and manner holding the election; providing for the posting and publication of notice; providing a savings clause; providing an open meetings clause; and providing an effective date.** Jeanna Thompson, City Secretary

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

- 14. Contract ~ Discuss payments to Quiddity concerning Hammond Road Drainage Project.** Robert K. Nelson, Mayor

Mayor Nelson clarified the concerns regarding the Change Order agreement.

- 15. Utilities ~ Discussion regarding water billing issues.** Jim Folse, Mayor Pro Tem

Item deleted.

CLOSED / EXECUTIVE SESSION

Council adjourned to go into an executive session at 7:07 pm.

- 16. Legal ~ Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).**
- 17. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
- 18. Pursuant to the Texas Government Code Section 551.074 (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 at 8:03 pm and took no action on items 16 thru 18.

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

Councilwoman Sitz commented on the sidewalk project and that it's looking good. Council discussed upcoming events. Councilman Finlay stated that he sat in on a Police Department review and was impressed with the dedication of officers.

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 8:08 pm.

PASSED AND APPROVED, this 14th day of February 2023.

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY

AN ORDINANCE OF THE CITY COUNCIL OF BAY CITY, TEXAS, APPROVING A PROJECT AND FINANCING PLAN FOR TAX INCREMENT REINVESTMENT ZONE NUMBER FOUR, BAY CITY, TEXAS, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE

WHEREAS, Bay City, Texas (the “City”), pursuant to Chapter 311 of the Texas Tax Code, as amended (the “Act”), may designate a geographic area within the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, the Act provides that the governing body of a municipality by ordinance may designate a contiguous geographic area that is in the corporate limits of the municipality to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and

WHEREAS, the City Council desires to promote the development of a certain contiguous geographic area in the City, through the creation of a reinvestment zone as authorized by and in accordance with the Tax Increment Financing Act, codified at Chapter 311 of the Texas Tax Code; and

WHEREAS, on March 22, 2022 the City Council of the Bay City, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance 1689 designating a contiguous geographic area within the City as a Reinvestment Zone Number Four, Bay City, Texas (the “Zone”); and

WHEREAS, as authorized by Section 311.011(e), and 311.008, of the Act, on February 14, 2023, the Board recommended that the Plan in Exhibit “A”, be approved by the City Council:

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

SECTION 1. RECITALS INCORPORATED.

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

SECTION 2. FINDINGS.

That the City Council hereby makes the following findings of fact:

- i. That the Plan includes all information required by Sections 311.011(b) and (c) of the Act.

- ii. That the Plan is feasible and the project plan conforms to the City’s master plan.

SECTION 3. APPROVAL OF PLAN.

That based on the findings set forth in Section 2 of this Ordinance, the Plan in Exhibit “A” is hereby approved.

SECTION 4. SEVERABILITY CLAUSE.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 5. OPEN MEETINGS.

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the City Charter.

PASSED AND APPROVED ON this _____ day of February 2023.

BAY CITY

Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson
City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey
City Attorney

APPROVED AS TO CONTENT:

Shawna Burkhart
City Manager

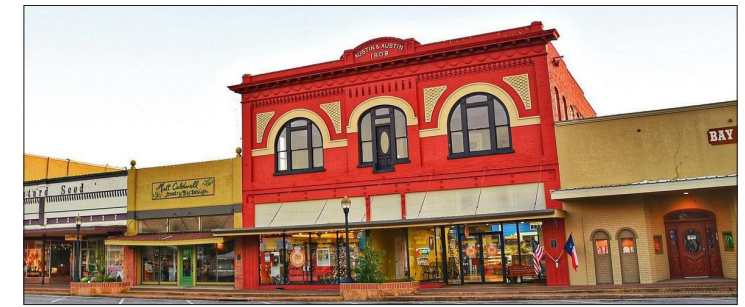
EXHIBIT A
Project and Financing Plan

Tax Increment Reinvestment Zone #4 Bay City, Texas



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Bay City, the county seat of Matagorda County, is an incorporated city at the junction of State Highways 35 and 60, in the north central portion of the county seventy-eight miles southwest of Houston. The community is named for its location on Bay Prairie, between the richly productive bottomlands of the Colorado River and Caney Creek. The population was 17,614 at the 2010 census. It is the county seat of Matagorda County.



The vision of the Bay City Main Street program is for downtown Bay City to be the pulse of the County: celebrating historic pride, economic vitality and the best of Texas hospitality. Bay City is only sixty minutes away from Houston, the largest city in Texas, with a myriad of world class art performances, professional sports games and medical facilities.

DISCLAIMER

Our conclusions and recommendations are based on current market conditions and the expected performance of the national, and/or local economy and real estate market. Given that economic conditions can change and real estate markets are cyclical, it is critical to monitor the economy and real estate market continuously, and to revisit key project assumptions periodically to ensure that they are still justified.

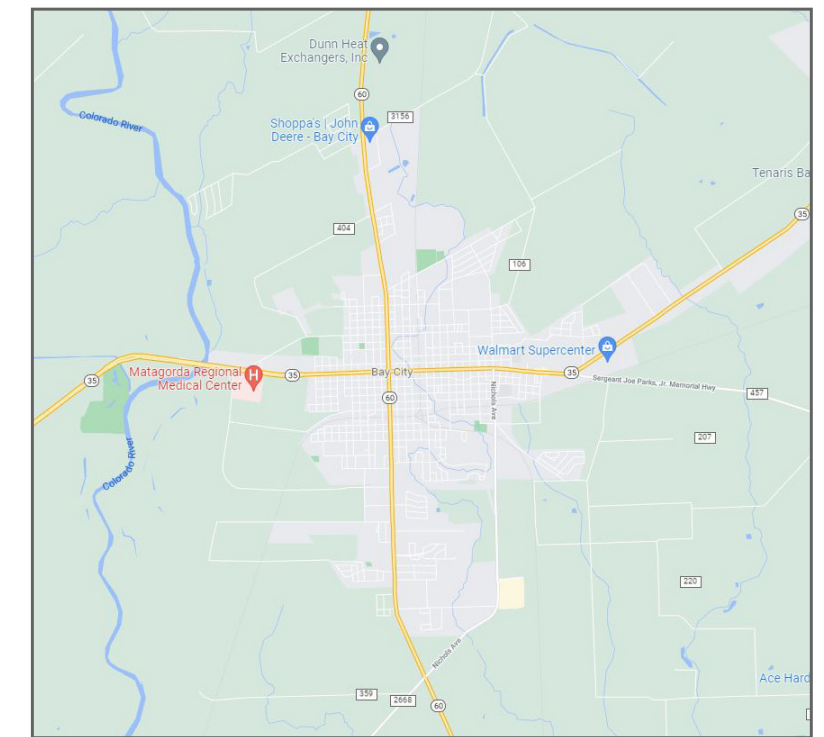
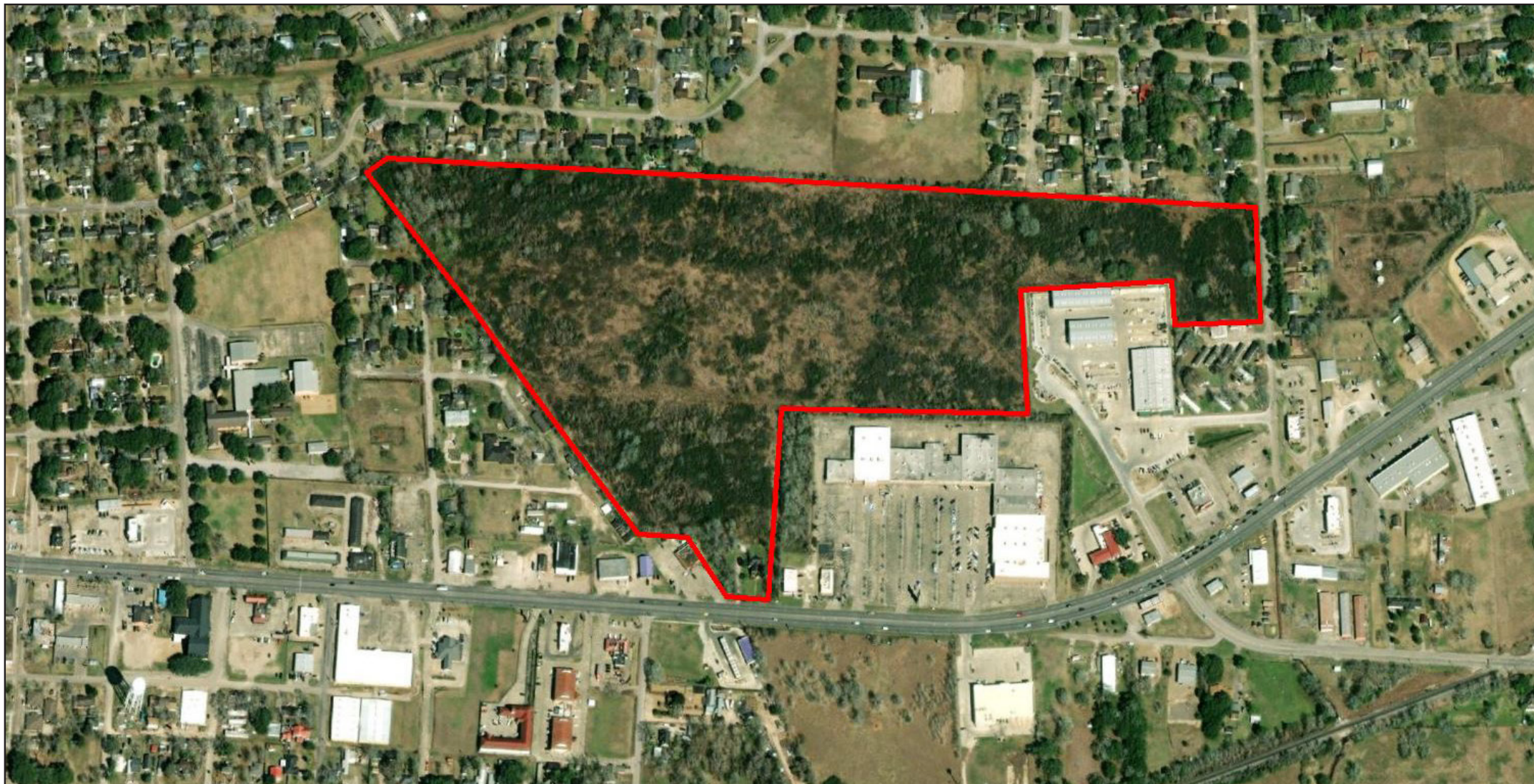
The future is difficult to predict, particularly given that the economy and housing markets can be cyclical, as well as subject to changing consumer and market psychology. There will usually be differences between projected and actual results because events and circumstances frequently do not occur as expected, and the differences may be material.




Tax Increment Reinvestment Zone #4, Bay City

Tax Increment Reinvestment Zone #4 (TIRZ) was created on March 22, 2022 by Ordinance 1689 with the goals of funding the construction of needed public infrastructure and encouraging private development that will yield additional tax revenue to all local taxing jurisdictions. This project and financing plan outlines the funding of \$14,773,544 in public improvements related to water, sanitary sewer, and storm water facilities, as well as street and intersection improvements, and utilities and street lighting. The TIRZ can fund these improvements through ad valorem participation of eligible taxing jurisdictions.

Without the implementation of the TIRZ, the specified property would continue to impair the sound growth of the municipality.




 - TIRZ #4 Boundary

Boundary Description

Bay City TIRZ #4 is located in the eastern portion of the City of Bay City. The TIRZ boundary encompasses approximately 49.71 acres and is generally bounded by 7th Street to the south, Rose Street to the west, and Old Van Vleck Road to the east.



 - TIRZ #4 Boundary

Legal Description

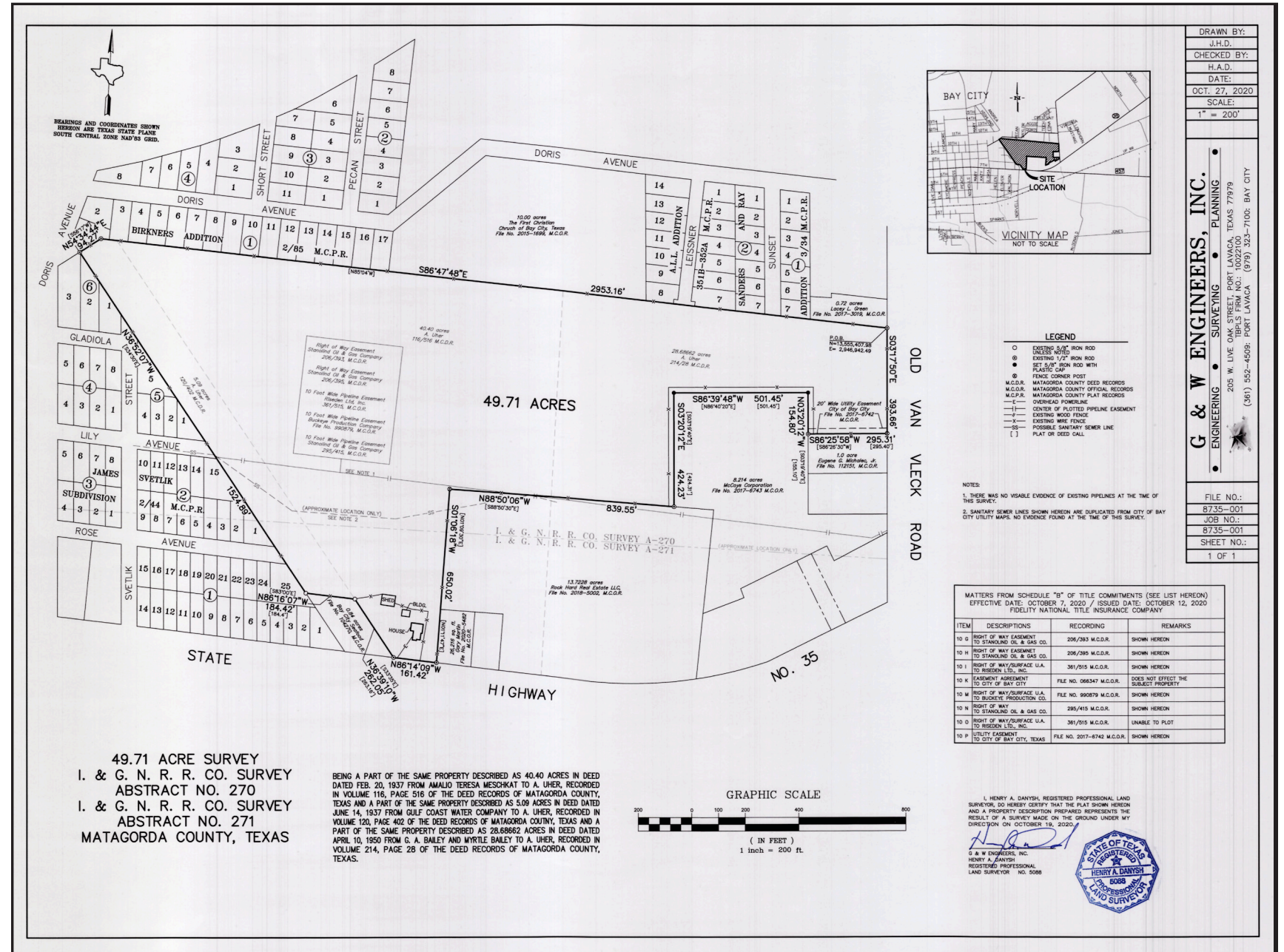
STATE OF TEXAS
 COUNTY OF MATAGORDA

All of that certain tract or parcel containing 49.71 acres situated in the I. & G. N. R. R. Company Survey, Abstract No. 270 and in the I. & G. N. R. R. Company Survey, Abstract No. 271 of Matagorda County, Texas and being a part of the same property described as 40.40 acres in Deed dated February 20, 1937 from Amalia Teresa Meschkat to A. Uher, recorded in Volume 116, Page 516 of the Deed Records of Matagorda County, Texas and a part of the same property described as 5.09 acres in Deed dated June 14, 1937 from Gulf Coast Water Company to A. Uher, recorded in Volume 120, Page 402 of the Deed Records of Matagorda County, Texas and a part of the same property described as 28.68662 acres in Deed dated April 10, 1950 from G. A. Bailey and Myrtle Bailey to A. Uher, recorded in Volume 214, Page 28 of the Deed Records of Matagorda County, Texas. This 49.71 acres is more particularly described by metes and bounds as follows:

BEGINNING at an existing 1/2 inch iron rod (N=13,555,407.98; E=2,946,942.49) located in the West line of Old Van Vleck Road and at the Southeast corner of a 0.72 acre tract described in Deed recorded in File No. 20173019 of the Official Records of Matagorda County, Texas for the Northeast corner of this 49.71 acres being described;

THENCE South 03° 17' 50" East, with the West line of Old Van Vleck Road a distance of 393.66 feet to an existing fence corner post located at the Northeast corner of a 1.0 acre tract described in Deed recorded in File No. 112151 of the Official Records of Matagorda County, Texas and at the Southeast corner of a 20 Foot Wide Utility Easement described in Deed recorded in File No. 20176742 of the Official Records of Matagorda County, Texas for East corner of this 49.71 acres being described;

THENCE South 86° 25' 58" West [deed call = South 86° 26' 30" West] crossing a portion of the said 28.68662 acre tract with the North line of the said 1.0 acre tract and the South line of the said Utility Easement, a distance of 295.31 feet [deed call = 295.40 feet] to an existing 1/2 inch iron rod located in the East line of an 8.214 acre tract described in Deed recorded in File No. 20176743 of the Official Records of Matagorda County, Texas and at the Northwest corner of the said 1.0 acre tract and at the Southwest corner of the said Utility Easement for a corner of this 49.71 acres being described;



Legal Description (Continued)

THENCE North 03° 20' 12" West [deed call = South 03° 19' 40" East], crossing a part of the said 28.68662 acre with the East line of the said 8.214 acre tract, a distance of 154.80 feet [deed call = 155.10 feet] to a 5/8 inch iron rod with plastic cap set at the Northeast corner of the said 8.214 acre tract for an interior corner of this 49.71 acres being described;

THENCE South 86° 39' 48" West [deed call = North 86° 40' 20" East], crossing a portion of the said 28.68662 acre tract with the North line of the said 8.214 acre tract, a distance of 501.45 feet [deed call = 501.45 feet] to a 5/8 inch iron rod with plastic cap set at the Northwest corner of the said 8.214 acre tract for an interior corner of this 49.71 acres being described;

THENCE South 03° 20' 12" East [deed call = South 03° 19' 40" East], crossing a portion of the said 28.68662 acre tract with the West line of the said 8.214 acre tract, a distance of 424.23 feet [deed call= 424.31 feet] to an existing 1/2 inch iron rod located in the North line of a 13.7228 acre tract described in Deed recorded in File No. 20185002 of the Official Records of Matagorda County, Texas and at a corner of the said 8.214 acre tract for a corner of this 49.71 acres being described;

THENCE North 88° 50' 06" West [deed call = South 88° 50' 30" East], crossing a portion of the said 28.68662 acre tract and a portion of the above referenced 40.40 acre tract, with the North line of the said 13.7228 acre tract, a distance of 839.55 feet to an existing fence corner post located at the Northwest corner of the said 13.7228 acre tract for an interior corner of this 49.71 acres being described;

THENCE South 01° 06' 18" West [deed call = North 01° 09' 30" East], crossing a portion of the said 40.40 acre tract with the West line of the said 13.7228 acre tract and the West line of a 26,216 Square Foot tract described in Deed recorded in File No. 20205482 of the Official Records of Matagorda County, Texas, a distance of 650.02 feet to an existing 1/2 inch iron rod located in the North line of State Highway No. 35 and at the Southwest corner of the said 26,216 Square Foot tract for the Southeast corner of this 49.71 acres being described;

THENCE North 86° 14' 09" West, with the North line of State Highway No. 35, a distance of 161.42 feet to an existing 1/2 inch iron rod located at the East corner of a 0.84 acre tract described in Deed recorded in File No. 104270 of the Official Records of Matagorda County, Texas for the lower Southwest corner of this 49.71 acres being described;

THENCE North 36° 39' 10" West [deed call = South 33° 35' East], with the Northeast line of the said 0.84 acre tract and the Northeast line of the above referenced 5.09 acre tract and the Southwest line of the said 40.40 acre tract, a distance of 262.05 feet [deed call= 263.16 feet] to an existing 5/8 inch iron rod located at the Northeast corner of the said 0.84 acre tract for an interior corner of this 49.71 acres being described;

THENCE North 86° 16' 07" West [deed call = South 83° 00' East], crossing the said 5.09 acre tract with the North line of the said 0.84 acre tract, a distance of 184.42 feet [deed call = 184.4 feet] to an existing 5/8 inch iron rod located in the East line of the James Svetlik Subdivision relative to the plat recorded in Volume 2, Page 44 of the Plat Records of Matagorda County, Texas and in the West line of the said 5.09 acre tract and at the Northwest corner of the said 0.84 tract for the upper Southwest corner of this 49.71 acres being described;

THENCE North 36° 52' 07" West [plat call = South 34° 30' East], with the Northeast line of the said subdivision and the West line of the said 5.09 acre tract, a distance of 1524.89 feet to an existing 1/2 inch iron rod located at the North corner of the said subdivision and at the Southwest corner of Birkner's Addition to the City of Bay City relative to the plat recorded in Volume 2, Page 85 of the Plat Records of Matagorda County, Texas and at the West corner of the said 5.09 acre tract for the West corner of this 49.71 acres being described;

THENCE North 54° 34' 44" East [plat call= South 56° 17' West], with an interior line of the said Birkner's Addition and the Northwest line of the said 5.09 acre tract, a distance of 94.27 to an existing 1/2 inch iron rod located at an interior corner of the said Birkner's Addition and at a corner of the said 5.09 acre tract for the Northwest corner of this 49.71 acres being described;

THENCE South 86° 47' 48" East [plat call= North 85° 04' West], with an interior line of the said Birkner's addition and the South line of a 10.00 acre tract described in Deed recorded in File No. 20151699 of the Official Records of Matagorda County, Texas and the South line of A. L. L. Subdivision relative to the plat recorded in Slide 351B-352A of the Plat Records of Matagorda County, Texas and the South line of Sander's and Ray Addition to the City of Bay City relative to the plat recorded in Volume 3, Page 34 of the Matagorda County Plat Records and the South line of the said 0.72 acre tract and with the North line of the said 5.09 acre tract and with the North line of the said 40.40 acre tract and with the North line of the said 28.68622 acre tract, a distance of 2953.16 feet to the PLACE OF BEGINNING, containing within these metes and bounds 49.71 acres.

The bearings and coordinates recited herein are Texas State Plane South Central Zone NAD'83 Grid based on RTK Network Base HAPB_0219.

Land Use

The land within the boundaries of the zone is vacant with the exception of a single family home and small scale accessory buildings located on the southwest corner of the zone. The land within the zone is well positioned for future development.

Method of Relocating Persons to be Displaced

It is not anticipated that any persons will be displaced or need to be relocated as result of the implementation of the TIRZ.

Current Ownership Information

There is currently 1 parcel within the TIRZ #4 boundaries, Property ID 19964 owned by Crescent Capital Investments, LLC. The zone encompasses the majority of Property ID 19964, outlined below in blue, save and except the area surrounding the restaurant improvements on the southwestern corner of the tax parcel. The base year for TIRZ #4 will be 2022, the year in which the TIRZ was created. The 2022 taxable value of \$191,200 will need to be verified with the Matagorda County Appraisal District.



TIRZ #4 Parcel

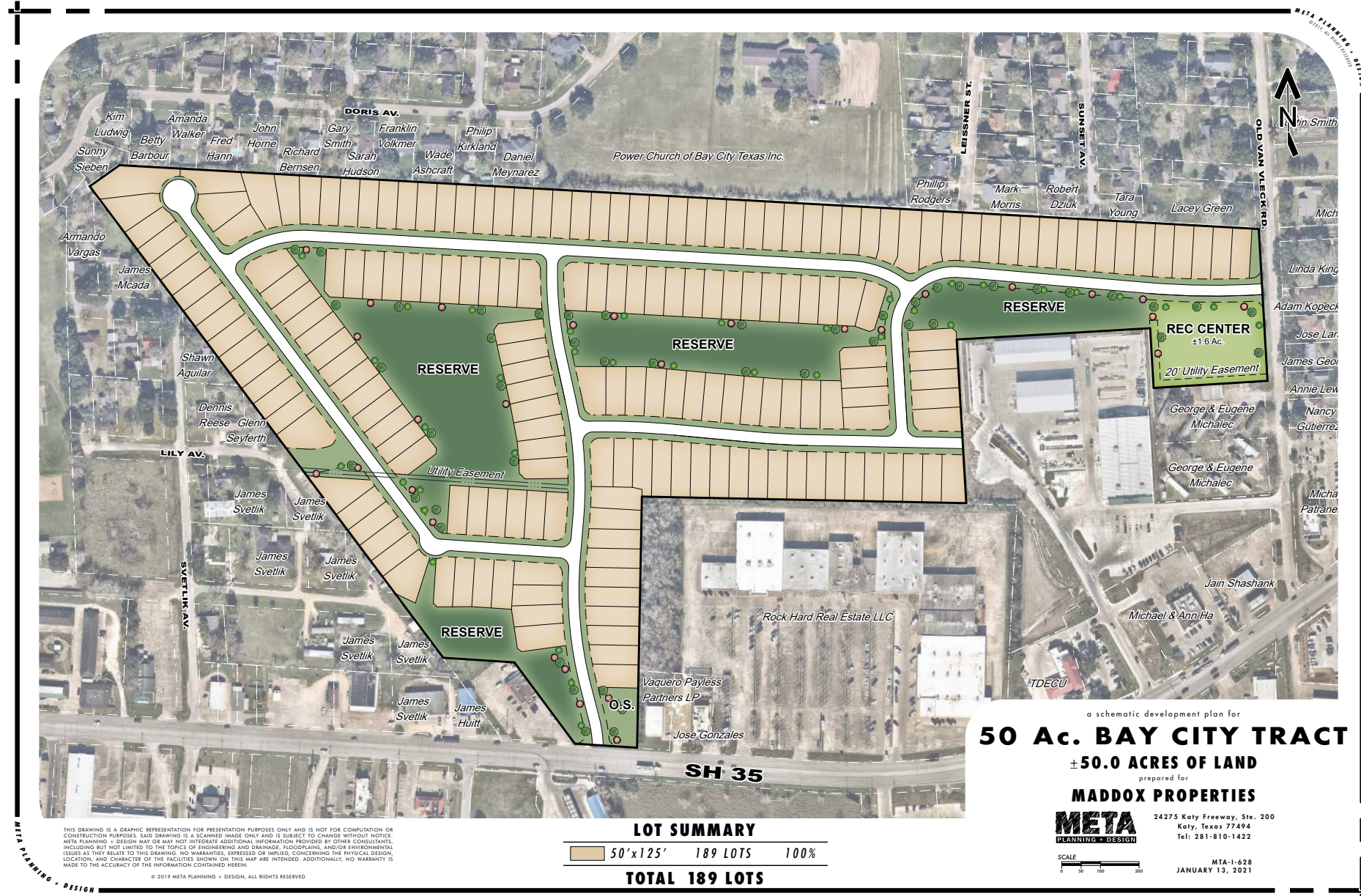
Anticipated Development

The vacant land within the TIRZ is well positioned for future single family development. The table below provides an overview of the scope of the potential development that could occur within the TIRZ, along with estimated dates of when the development construction would be completed.

	Units	Projected Completion Date	Taxable Value PSF/Unit	Incremental Value	Sales PSF	Total Sales
TIRZ #1A						
Single Family	189	2024	\$230,000	\$43,470,000	\$0.00	\$0
Total				\$43,470,000		\$0

Anticipated Development

The conceptual plan below informed the projections on the previous page. The plan below and the projections listed above are not meant to limit potential development that could generate revenue for the TIRZ. It is anticipated that the projections could be updated in the future to reflect the then current market trends and taking into account the performance of the development within the TIRZ. It is anticipated that the development that occurs within the TIRZ could be financed in part by incremental real property tax generated within the TIRZ.



TIRZ #4 - Anticipated Development

Project Costs of the Zone

There are a number of improvements within Tax Increment Reinvestment Zone #4 that will be financed by in part by incremental real property tax generated within the TIRZ.

Proposed Project Costs		
Water Facilities and Improvements	\$ 3,250,180	22.0%
Sanitary Sewer Facilities and Improvements	\$ 3,250,180	22.0%
Storm Water Facilities and Improvements	\$ 3,250,180	22.0%
Street and Intersection Improvements	\$ 3,250,180	22.0%
Open Space, Park and Recreation Facilities and Improvements	\$ 1,403,487	9.5%
Administrative Costs	\$ 369,339	2.5%
	\$ 14,773,544	100.0%

The categories listed in the table above outline various public improvements, and are meant to include all projects eligible under Chapter 311, Section 311.002 of the Texas Tax Code. The costs illustrated in the table above are estimates and may be revised. Savings from one line item may be applied to a cost increase in another line item.

It is anticipated that the individual TIRZ project cost allocations will be evaluated on a case by case basis, consistent with the categories listed above, and brought forward to the TIRZ board and City Council for consideration.

Chapter 311 of the Texas Tax Code

Sec. 311.002.

(1) "Project costs" means the expenditures made or estimated to be made and monetary obligations incurred or estimated to be incurred by the municipality or county designating a reinvestment zone that are listed in the project plan as costs of public works, public improvements, programs, or other projects benefiting the zone, plus other costs incidental to those expenditures and obligations. "Project costs" include:

(A) capital costs, including the actual costs of the acquisition and construction of public works, public improvements, new buildings, structures, and fixtures; the actual costs of the acquisition, demolition, alteration, remodeling, repair, or reconstruction of existing buildings, structures, and fixtures; the actual costs of the remediation of conditions that contaminate public or private land or buildings; the actual costs of the preservation of the facade of a public or private building; the actual costs of the demolition of public or private buildings; and the actual costs of the acquisition of land and equipment and the clearing and grading of land;

(B) financing costs, including all interest paid to holders of evidences of indebtedness or other obligations issued to pay for project costs and any premium paid over the principal amount of the obligations because of the redemption of the obligations before maturity;

(C) real property assembly costs;

(D) professional service costs, including those incurred for architectural, planning, engineering, and legal advice and services;

(E) imputed administrative costs, including reasonable charges for the time spent by employees of the municipality or county in connection with the implementation of a project plan;

(F) relocation costs;

(G) organizational costs, including the costs of conducting environmental impact studies or other studies, the cost of publicizing the creation of the zone, and the cost of implementing the project plan for the zone;

(H) interest before and during construction and for one year after completion of construction, whether or not capitalized;

(I) the cost of operating the reinvestment zone and project facilities;

(J) the amount of any contributions made by the municipality or county from general revenue for the implementation of the project plan;

(K) the costs of school buildings, other educational buildings, other educational facilities, or other buildings owned by or on behalf of a school district, community college district, or other political subdivision of this state; and

(L) payments made at the discretion of the governing body of the municipality or county that the governing body finds necessary or convenient to the creation of the zone or to the implementation of the project plans for the zone.

Method of Financing

To fund the public improvements outlined on the previous page, Bay City will contribute 50% of its real property increment within the zone generated within the TIRZ. Per separate interlocal agreements, Matagorda County, Matagorda County Hospital District, and the Port of Bay City will each contribute 50% of their real property increment within the zone generated within the TIRZ.

Debt Service

It is not anticipated at this time that the TIRZ will incur any bonded indebtedness.

Economic Feasibility Study

A taxable value analysis was developed as part of the project and financing plan to determine the economic feasibility of the project. The study examined the expected tax revenue the TIRZ would receive based on the previously outlined developments. A summary overview of the anticipated development unit counts and the anticipated taxable value per home can be found on Page 6.

The following pages show the estimated captured appraised value of the zone during each year of its existence and the net benefits of the zone to each of the local taxing jurisdictions as well as the method of financing and debt service.

Utilizing the information outlined in this feasibility study, DPED has found that the TIRZ is economically feasible and will provide the City and other taxing jurisdictions with economic benefits that would not occur without its implementation.

Real Property Tax - 2022 Rates		Participation	
Bay City	0.63500000	50%	0.3175000
Matagorda County	0.38532000	50%	0.1926600
Matagorda County Hospital District	0.28995000	50%	0.1449750
Port of Bay City	0.05007000	50%	0.0250350
Cons & Recl District	0.00773000	0%	0.0000000
Coastal Plains GW District	0.00394000	0%	0.0000000
Drainage District #1	0.03835000	0%	0.0000000
Bay City ISD	1.26000000	0%	0.0000000
	2.67036000		0.6801700

Personal Property Tax - 2022 Rates		Participation	
Bay City	0.63500000	0%	0.0000000
Matagorda County	0.38532000	0%	0.0000000
Matagorda County Hospital District	0.28995000	0%	0.0000000
Port of Bay City	0.05007000	0%	0.0000000
Cons & Recl District	0.00773000	0%	0.0000000
Coastal Plains GW District	0.00394000	0%	0.0000000
Drainage District #1	0.03835000	0%	0.0000000
Bay City ISD	1.26000000	0%	0.0000000
	2.67036000		0.0000000

Sales Tax Rate	0.0200000	0.00%	0.0000000
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► INPUT

INFLATION RATE	2.00%
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DISCOUNT RATE	6.00%
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REAL PROPERTY TAX	PARTICIPATION		
Bay City	0.63500000	50%	0.31750000
Matagorda County	0.38532000	50%	0.19266000
Matagorda County Hospital District	0.28995000	50%	0.14497500
Port of Bay City	0.05007000	50%	0.02503500
Cons & Recl District	0.00773000	0%	0.00000000
Coastal Plains GW District	0.00394000	0%	0.00000000
Drainage District #1	0.03835000	0%	0.00000000
Bay City ISD	1.26000000	0%	0.00000000
	2.67036000		0.68017000

PERSONAL PROPERTY TAX	PARTICIPATION		
Bay City	0.63500000	0%	0.00000000
Matagorda County	0.38532000	0%	0.00000000
Matagorda County Hospital District	0.28995000	0%	0.00000000
Port of Bay City	0.05007000	0%	0.00000000
Cons & Recl District	0.00773000	0%	0.00000000
Coastal Plains GW District	0.00394000	0%	0.00000000
Drainage District #1	0.03835000	0%	0.00000000
Bay City ISD	1.26000000	0%	0.00000000
	2.67036000		0.00000000

Sales Tax Rate	0.0200000	0.00%	0.00000000
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TIRZ #1 A	Year	AREA SF/UNITS	REAL PROPERTY \$/ SF TAX VALUE	PERSONAL PROPERTY \$/ SF TAX VALUE	SALES \$/ SF TAX VALUE
Single Family	2024	189	\$ 230,000.00	\$ 43,470,000	\$ -
TOTAL		189	43,470,000	-	-

OUTPUT

TOTAL TAX REVENUE	TOTAL	REAL PROPERTY	PERSONAL PROPERTY	SALES
Bay City	23.8% \$ 13,771,753	= \$ 13,771,753	+ \$ -	+ \$ -
Matagorda County	14.4% \$ 8,356,743	= \$ 8,356,743	+ \$ -	+ \$ -
Matagorda County Hospital District	10.9% \$ 6,288,378	= \$ 6,288,378	+ \$ -	+ \$ -
Port of Bay City	1.9% \$ 1,085,908	= \$ 1,085,908	+ \$ -	+ \$ -
Cons & Recl District	0.3% \$ 167,647	= \$ 167,647	+ \$ -	+ \$ -
Coastal Plains GW District	0.1% \$ 85,450	= \$ 85,450	+ \$ -	+ \$ -
Drainage District #1	1.4% \$ 831,727	= \$ 831,727	+ \$ -	+ \$ -
Bay City ISD	47.2% \$ 27,326,629	= \$ 27,326,629	+ \$ -	+ \$ -
100.0%	\$ 57,914,235	\$ 57,914,235	\$ -	\$ -
	100.0%	100.0%	0.0%	0.0%

TOTAL PARTICIPATION	TOTAL	REAL PROPERTY	PERSONAL PROPERTY	SALES
Bay City	46.7% \$ 6,885,877	= \$ 6,885,877	+ \$ -	+ \$ -
Matagorda County	28.3% \$ 4,178,372	= \$ 4,178,372	+ \$ -	+ \$ -
Matagorda County Hospital District	21.3% \$ 3,144,189	= \$ 3,144,189	+ \$ -	+ \$ -
Port of Bay City	3.7% \$ 542,954	= \$ 542,954	+ \$ -	+ \$ -
Cons & Recl District	0.0% \$ -	= \$ -	+ \$ -	+ \$ -
Coastal Plains GW District	0.0% \$ -	= \$ -	+ \$ -	+ \$ -
Drainage District #1	0.0% \$ -	= \$ -	+ \$ -	+ \$ -
Bay City ISD	0.0% \$ -	= \$ -	+ \$ -	+ \$ -
100.0%	\$ 14,751,391	\$ 14,751,391	\$ -	\$ -
	100.0%	100.0%	0.0%	0.0%

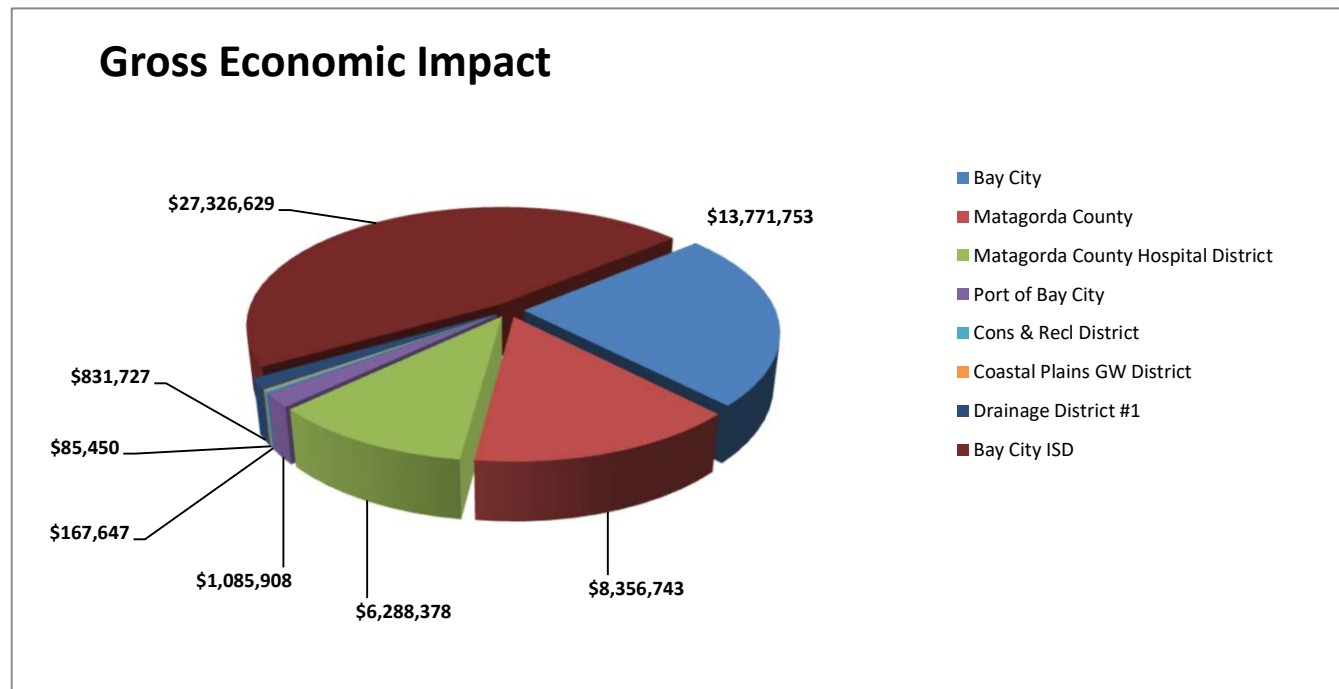
NET BENEFIT	TOTAL	REAL PROPERTY	PERSONAL PROPERTY	SALES
Bay City	16.0% \$ 6,885,877	= \$ 6,885,877	+ \$ -	+ \$ -
Matagorda County	9.7% \$ 4,178,372	= \$ 4,178,372	+ \$ -	+ \$ -
Matagorda County Hospital District	7.3% \$ 3,144,189	= \$ 3,144,189	+ \$ -	+ \$ -
Port of Bay City	1.3% \$ 542,954	= \$ 542,954	+ \$ -	+ \$ -
Cons & Recl District	0.4% \$ 167,647	= \$ 167,647	+ \$ -	+ \$ -
Coastal Plains GW District	0.2% \$ 85,450	= \$ 85,450	+ \$ -	+ \$ -
Drainage District #1	1.9% \$ 831,727	= \$ 831,727	+ \$ -	+ \$ -
Bay City ISD	63.3% \$ 27,326,629	= \$ 27,326,629	+ \$ -	+ \$ -
100.0%	\$ 43,162,844	\$ 43,162,844	\$ -	\$ -
	100.0%	100.0%	0.0%	0.0%

ESTIMATE OF GENERAL IMPACT OF PROPOSED ZONE PROPERTY VALUES AND TAX REVENUES

TAXABLE BASE YEAR GROWTH DISCOUNT RATE		2.00% 6.00%																																											
REAL PROPERTY TAX				BUSINESS PERSONAL PROPERTY TAX			SALES TAX																																						
0.6350000 50% 0.3175000				0.6350000 0% 0.0000000			0.0200000 0.00% 0.0000000																																						
0.2895000 50% 0.1447500				0.2895000 0% 0.0000000																																									
0.0500700 50% 0.0250350				0.0500700 0% 0.0000000																																									
0.0077300 0% 0.0000000				0.0077300 0% 0.0000000																																									
0.0039400 0% 0.0000000				0.0039400 0% 0.0000000																																									
0.0383500 0% 0.0000000				0.0383500 0% 0.0000000																																									
1.2600000 0% 0.0000000				1.2600000 0% 0.0000000																																									
2.6703600 0.6801700				2.6703600 0.0000000																																									
REVENUE YEAR	BASE YEAR	0	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	TOTALS						
BASE YEAR	2022	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058							
Bay City	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200						
Matagorda County	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200					
Matagorda County Hospital District	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200				
Port of Bay City	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200				
Cone & Reel District	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200				
Coastal Plains GW District	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200				
Drainage District #1	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200				
Bay City ISD	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200	191,200				
TAXABLE VALUE																																													
Bay City	191,200	195,024	198,924	202,903	206,961	211,100	215,322	219,629	224,021	228,502	233,072	237,733	242,488	247,338	252,284	257,330	262,477	267,726	273,081	278,542	284,113	289,795	295,591	301,503	307,533	313,684	319,958	326,357	332,884	339,542	346,332	353,259	360,324	367,531	374,881	382,379	390,026								
Matagorda County	191,200	195,024	198,924	202,903	206,961	211,100	215,322	219,629	224,021	228,502	233,072	237,733	242,488	247,338	252,284	257,330	262,477	267,726	273,081	278,542	284,113	289,795	295,591	301,503	307,533	313,684	319,958	326,357	332,884	339,542	346,332	353,259	360,324	367,531	374,881	382,379	390,026								
Matagorda County Hospital District	191,200	195,024	198,924	202,903	206,961	211,100	215,322	219,629	224,021	228,502	233,072	237,733	242,488	247,338	252,284	257,330	262,477	267,726	273,081	278,542	284,113	289,795	295,591	301,503	307,533	313,684	319,958	326,357	332,884	339,542	346,332	353,259	360,324	367,531	374,881	382,379	390,026								
Port of Bay City	191,200	195,024	198,924	202,903	206,961	211,100	215,322	219,629	224,021	228,502	233,072	237,733	242,488	247,338	252,284	257,330	262,477	267,726	273,081	278,542	284,113	289,795	295,591	301,503	307,533	313,684	319,958	326,357	332,884	339,542	346,332	353,259	360,324	367,531	374,881	382,379	390,026								
Cone & Reel District	191,200	195,024	198,924	202,903	206,961	211,100	215,322	219,629	224,021	228,502	233,072	237,733	242,488	247,338	252,284	257,330	262,477	267,726	273,081	278,542	284,113	289,795	295,591	301,503	307,533	313,684	319,958	326,357	332,884	339,542	346,332	353,259	360,324	367,531	374,881	382,379	390,026								
Coastal Plains GW District	191,200	195,024	198,924	202,903	206,961	211,100	215,322	219,629	224,021	228,502	233,072	237,733	242,488	247,338	252,284	257,330	262,477	267,726	273,081	278,542	284,113	289,795	295,591	301,503	307,533	313,684	319,958	326,357	332,884	339,542	346,332	353,259	360,324	367,531	374,881	382,379	390,026								
Drainage District #1	191,200	195,024	198,924	202,903	206,961	211,100	215,322	219,629	224,021	228,502	233,072	237,733	242,488	247,338	252,284	257,330	262,477	267,726	273,081	278,542	284,113	289,795	295,591	301,503	307,533	313,684	319,958	326,357	332,884	339,542	346,332	353,259	360,324	367,531	374,881	382,379	390,026								
Bay City ISD	191,200	195,024	198,924	202,903	206,961	211,100	215,322	219,629	224,021	228,502	233,072	237,733	242,488	247,338	252,284	257,330	262,477	267,726	273,081	278,542	284,113	289,795	295,591	301,503	307,533	313,684	319,958	326,357	332,884	339,542	346,332	353,259	360,324	367,531	374,881	382,379	390,026								
TAXABLE VALUE INCREMENT																																													
Bay City	0	3,824	7,724	11,703	15,761	19,900	24,122	28,429	32,821	37,302	41,872	46,533	51,288	56,138	61,084	66,130	71,277	76,526	81,881	87,342	92,913	98,595	104,391	110,303	116,333	122,484	128,758	135,157	141,684	148,342	155,132	162,059	169,124	176,331	183,681	191,179	198,826								
Matagorda County	0	3,824	7,724	11,703	15,761	19,900	24,122	28,429	32,821	37,302	41,872	46,533	51,288	56,138	61,084	66,130	71,277	76,526	81,881	87,342	92,913	98,595	104,391	110,303	116,333	122,484	128,758	135,157	141,684	148,342	155,132	162,059	169,124	176,331	183,681	191,179	198,826								
Matagorda County Hospital District	0	3,824	7,724	11,703	15,761	19,900	24,122	28,429	32,821	37,302	41,872	46,533	51,288	56,138	61,084	66,130	71,277	76,526	81,881	87,342	92,913	98,595	104,391	110,303	116,333	122,484	128,758	135,157	141,684	148,342	155,132	162,059	169,124	176,331	183,681	191,179	198,826								
Port of Bay City	0	3,824	7,724	11,703	15,761	19,900	24,122	28,429	32,821	37,302	41,872	46,533	51,288	56,138	61,084	66,130	71,277	76,526	81,881	87,342	92,913	98,595	104,391	110,303	116,333	122,484	128,758	135,157	141,684	148,342	155,132	162,059	169,124												

Revenue Summary

Taxing Jurisdictions	Total Taxes Generated	Participation	Net Benefit
Bay City	\$13,771,753	\$6,896,217	\$6,875,536
Matagorda County	\$8,356,743	\$4,184,646	\$4,172,097
Matagorda County Hospital Dist	\$6,288,378	\$3,148,911	\$3,139,467
Port of Bay City	\$1,085,908	\$543,769	\$542,139
Cons & Recl District	\$167,647	\$0	\$167,647
Coastal Plains GW District	\$85,450	\$0	\$85,450
Drainage District #1	\$831,727	\$0	\$831,727
Bay City ISD	\$27,326,629	\$0	\$27,326,629
Total	\$57,914,235	\$14,773,544	\$43,140,691





Projects Cost Estimates:

All project costs listed in the project plan shall be considered estimates and shall not be considered a cap on expenditures.

Length of TIRZ #4 in Years:

The TIRZ has a 36-year term and is scheduled to end on December 31, 2058.

Powers and Duties of Board of Directors:

The Board shall have all powers granted to it by Chapter 311 of the Texas Tax Code, including powers of a municipality under Chapter 380, Local Government Code. The Board shall not be authorized to:

- issue bonds;
- impose taxes or fees;
- exercise the power of eminent domain; or
- give final approval to the Zone's project and financing plan.



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

AGENDA ITEM SUBMISSION FORM

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

Requestor Name: Lopez, Gabriel **Date Submitted:** 02/08/2023
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 02/14/2023
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Engineering Tech
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 BAY CITY'S AUTHORIZATION TO ISSUE REQUESTS FOR PROPOSALS FOR ADMINISTRATIVE SERVICES (RFP) AND REQUESTS FOR QUALIFICATIONS (RFQ) FOR THE TRANSPORTATION ALTERNATIVES-SET ASIDE PROGRAM FUNDED THROUGH THE TX. DEPARTMENT OF TRANSPORTATION.

Executive Summary of Item:

The Texas Department of Transportation will be accepting applications this year for the biannual Transportation Alternatives Set Aside Program. TxDOT allocates funds towards bicycle and pedestrian infrastructure projects that enhance access and safety to school-related destinations enabling and encouraging children, including those with disabilities, to walk and bicycle.

If awarded, the grant would help fund the construction of the Southern Pacific Trailway. The Trailway will be a 10' Shared Used Path (SUP), with lighting for nighttime use, that runs along the old railbed owned by the city. A portion of the Trailway, between Sycamore and Cottonwood Ave, has already been built and would tie into the new construction. The SUP, when completed in its entirety, will connect the High School, Jr High, downtown, Hardeman Park, Barkway Park, Amistad Park and surrounding neighborhoods, providing safe and alternative methods of transportation.

This year TxDOT has done away with population requirements and is allowing applicants to apply for both small scale community projects, with a \$250,000 to \$5 million award, and large-scale active transportation infrastructure, with awards ranging from \$5 million to \$25 million. The TA Set Aside Program provides 80% federal funds with a 20% minimum local match required. For TxDOT's 2023 TA Call for Projects, all projects that meet the economic criteria may be eligible to apply for state Transportation Development Credits (TDCs) that allow for 100% federal TA funds to be applied to the project in lieu of a local match. Bay City is eligible and will be requesting TDCs to meet local matching requirements.

A meeting with the TxDOT district office in Yoakum is to be scheduled before March 27th to discuss and determine project scope of work and eligibility. After receiving TxDOT preliminary application approval, a detailed application will be submitted into the award competition by the due date, June 5, 2023.

It is staff's recommendation to authorize the City of Bay City to issue RFPs and RFQs for administrative and engineering services on TxDOT's Transportation Alternatives-Set Aside Program.

Bay City Southern Pacific Trailway SUP

Main Route



JR High to HWY 35 (Main A)



(Main A)



Additional 1



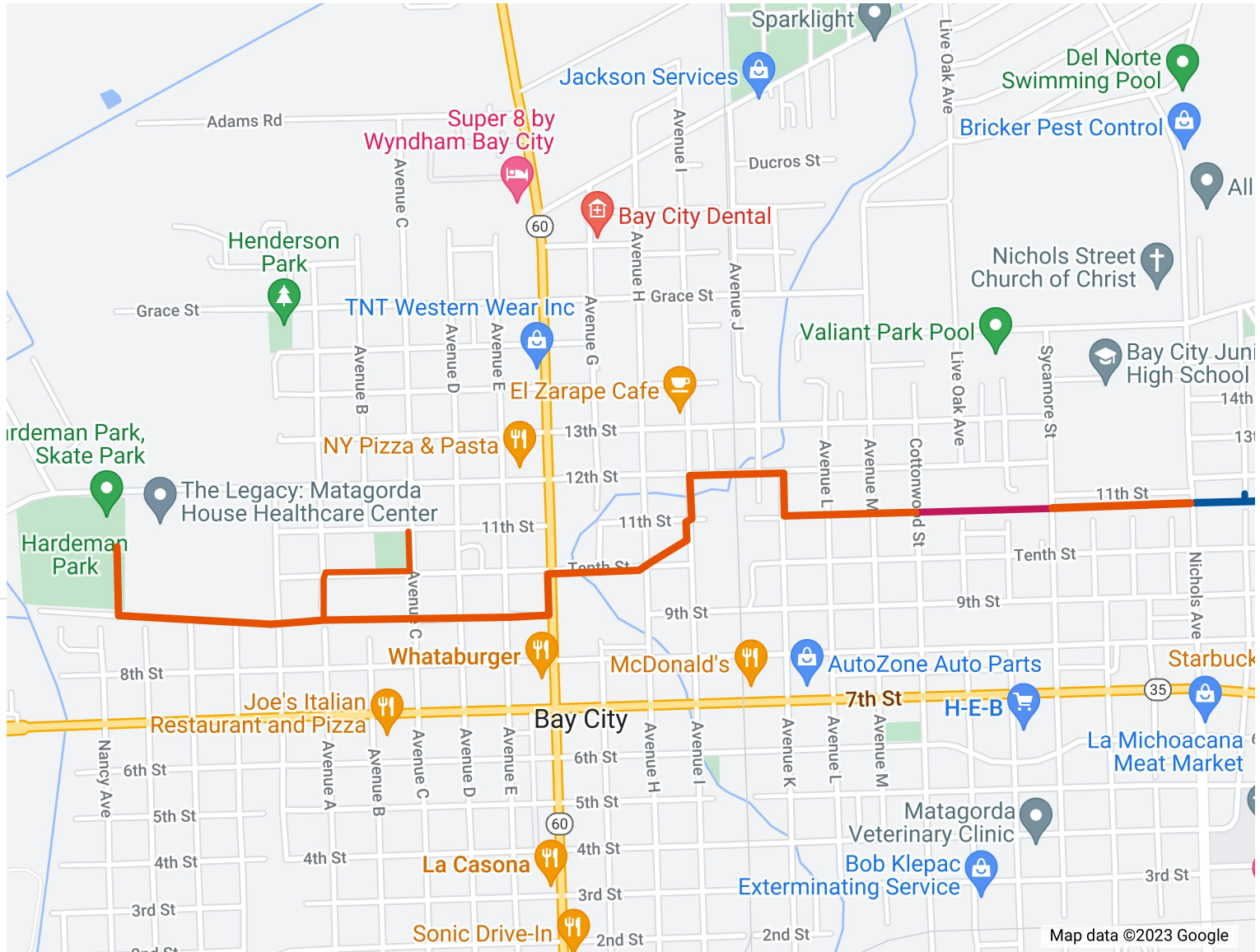
Additional 1



Existing











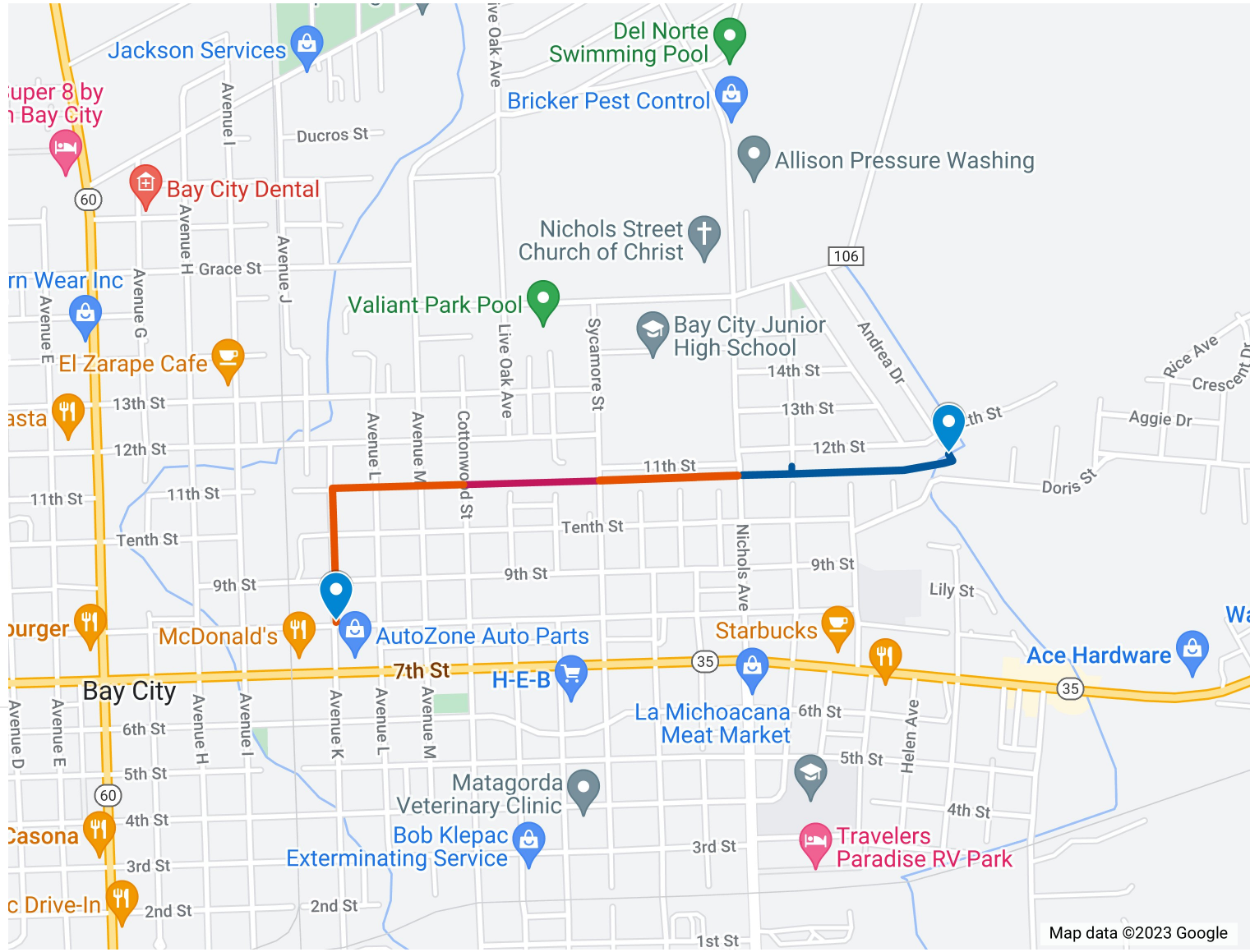
AMISTAD PARK



Bay City JR High SUP

Main Route

-  Cottonwood to HWY 35
-  Nichols to Sycamore
-  Neighborhood East of Nichols
-  Neighborhood Connection
-  Existing
-  Begin/End of Trail
-  Neighborhood East of Nichols
-  Begin/End of Trail 8th Street





CITY OF BAY CITY
1901 FIFTH STREET
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AGENDA ITEM SUBMISSION FORM

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

Requestor Name: Lopez, Gabriel **Date Submitted:** 02/09/2023
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 02/14/2023
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Engineering Tech
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 a Resolution granting a Supplemental Easement and Right Away to AEP Texas Inc.

Executive Summary of Item:

AEP Texas representatives plan to rebuild approximately 15 miles of 138-kilovolt transmission line as a part of the Bay City - Lane City Transmission Line Rebuild Project. The project involves rebuilding a power line that extends from the Bay City Substation on Avenue G and 12th Street and travels north to the Lane City Substation in Bay City located off State Highway 60.

AEP Texas representatives seek to supplement an existing easement on city property to meet updated standards for the safe construction, operation, and maintenance of the transmission line. The proposed location of the easement is included in the agenda packet, Exhibit A. The property is referred to as the Pine Knoll Lift Station. The supplemental easement area is approximately .20 acres.

Attached in agenda packet is the supplemental easement offer which will modify AEP's rights on City property. The easement payment schedule, also enclosed in agenda packet, is in the amount of \$1,500.

It is staff's recommendation to approve the resolution granting AEP Texas Inc. a supplemental easement and right of away.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF BAY CITY, TEXAS APPROVING SUPPLEMENTAL EASEMENT AND RIGHT OF WAY TO AEP TEXAS, INC.

WHEREAS, the City of Bay City and AEP Texas, Inc (formerly Central Power & Light Company) entered into an Easement and Right of Way on or about May 22, 1942, found of record in Volume 145 Page 32 of the Deed Records of Matagorda County, Texas; and

WHEREAS, the Parties desire to supplement said easement by the adoption of a supplemental easement and right of way agreement as more fully described in Exhibit “A” attached hereto; and

WHEREAS, the purpose of such supplemental easement shall allow AEP Texas to rebuild approximately fifteen (15) mile of 138-Kilovolt Transmission Line as part of the Bay City – Lane City Transmission Line Rebuild Project which is beneficial to the City of Bay City because the proposed rebuild involves the rebuilding of a power line that extends from the Bay City Substation on Avenue G and 12th Street and travels north to the Lane City Substation in Bay City located off State Highway 60; and

WHEREAS, City Council deems it beneficial to adopt said Supplemental Easement and Right of Way to AEP Texas, Inc.

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

Section One.

The Supplemental Easement and Right of Way to AEP Texas, Inc. attached hereto as Exhibit “A” is approved and the Mayor is authorized to sign the same on behalf of the City of Bay City.

PASSED AND APPROVED AT BAY CITY TEXAS THIS 14TH DAY OF FEBRUARY, 2023.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney



CITY OF BAY CITY

FY 2023 1st Quarter Financial Report

As of December 31, 2022

The City of Bay City Finance Department is dedicated to excellence in local government, comprehensive fiscal management, compliance, and reporting. The Quarterly Report is used to provide our internal and external customers financial reporting with easy-to-read narratives regarding the City's financial position.

This report represents a general overview of financial operations through **December 2022**, the third month, and **25.00%** of FY 2023.

1. The **Financial Summaries** provide comparative data for revenues and expenditures by fund. Data shows current monthly and year to date information as it relates to budget. Beginning fund balances are estimates until the final audit is complete.
 - The **General Fund** is the general operating fund of the City. It is used to account for all financial resources except those accounted for in other specific funds. This fund includes all general tax revenues and other receipts that are not restricted by law or contractual agreement to some other fund. General operating expenditures, fixed charges and capital improvement costs not paid through other funds are paid from this fund.
 - The **Public Utility Fund** accounts for the operations costs to provide water and sewer services to the citizens of Bay City.
 - The **Airport Fund** is used to account for the operations of the Airport, and to account for the rent generated from its T-hangers and fuel sold.
 - The **Hotel/Motel Occupancy Tax Fund** was established to directly enhance and promote tourism and the convention and hotel industry, or other expenses as approved by State Law.
2. The **Investment Report** provides a description of investment activity during the quarter.

This report does not include all funds related to the City of Bay City's Operations—please refer to the City's Comprehensive Annual Financial Report & the City's Annual Budget available on the City's website (www.cityofbaycity.org).

Go to the Finance Department's Web Page for all financial transparency information. This includes audits, budgets, quarterly reports, and check registers.

General Fund Overview

Revenue Highlights

Revenues total \$3,417,804 or 20.7% of the budget.

- Property Tax. The certified value totaled \$1 billion. Through December, the City received \$634,657 or (12.6%) of the 5-million-dollar property tax maintenance and operation budget. Most property taxes are received by January to avoid penalties.
- Sales tax. First Quarter Sales Tax Allocation to the City is **up** 4% (\$73,430) as compared to the first quarter in prior year. Current year-end projection will exceed budget by at least \$158,000 assuming future months are the same as prior year.
- Franchise fees are slightly above budget target due to timing of franchise payments.
- Licenses & Permit fees are slightly under budget target due to timing of housing activity.
- Fines and penalties (Court Fines) are slightly under budget expectations.
- Charges for services represents sanitation fees - \$664,898 (25% of budget).
- Miscellaneous Revenue is under budget target due to the timing of grant payments, timing of payments from interlocal agreements (i.e. County), and various park rental income.
- Transfers In appear below budget due to the timing of purchase for capital equipment (parks mower that will be support by the Fixed Asset Replacement Fund).

General Fund Expenditure Highlights

Expenditures total \$3,012,081 or 18.1% of budget.

Most departments are under the 25% budget target. Budgets that are over the budget target are primarily due to the following:

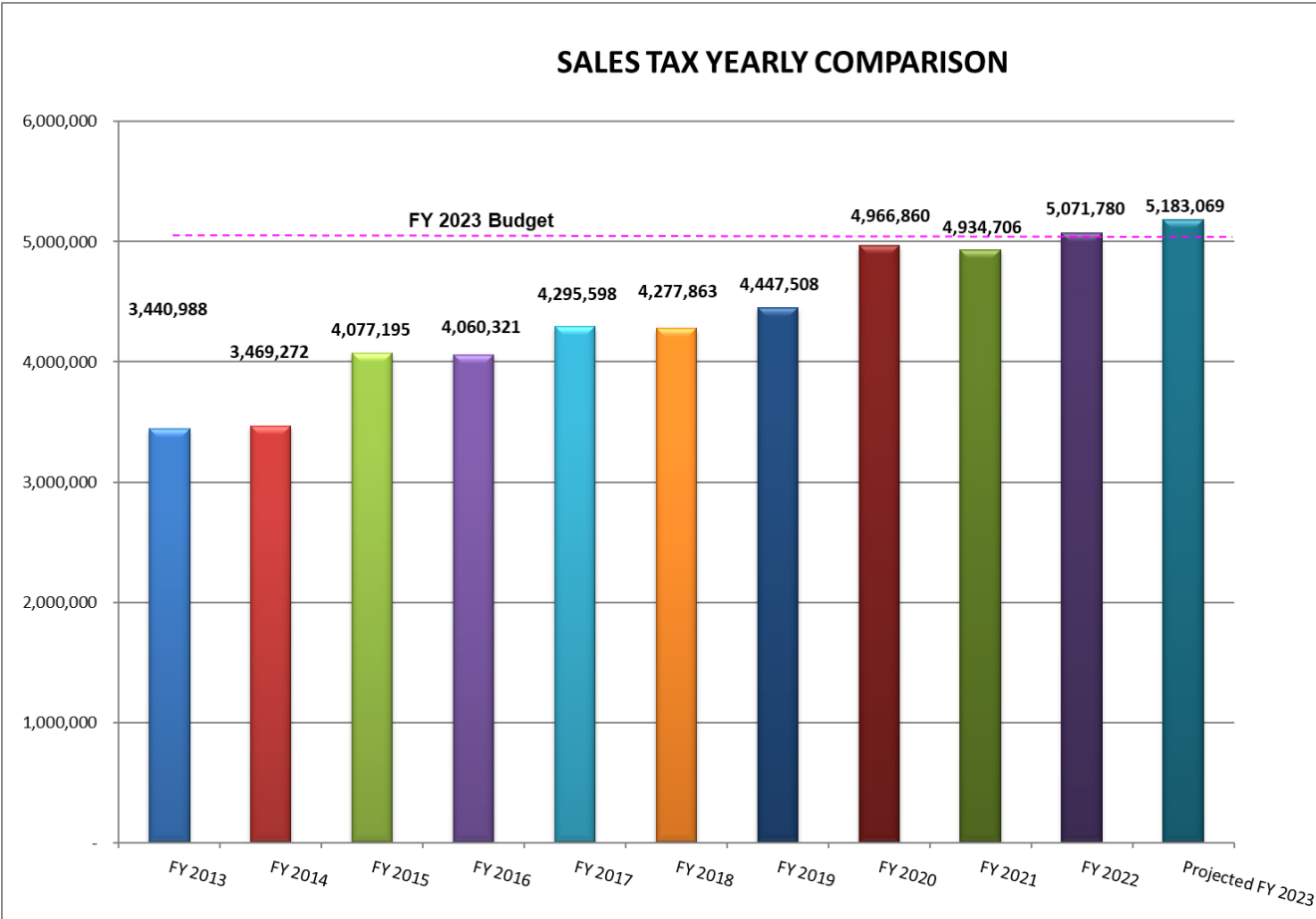
- Administrative Council- Timing of travel and training
- Recreational Programs- Timing of payments for community events (Christmas events, July 4th deposits)

Fund Balance

The General Fund's fund balance is budgeted to decrease. **The City's reserve level currently is above the minimum policy of 25%.** See bottom of page 3 for more clarification. The unaudited beginning cash position (October 1, 2022) was 4.2 million which represents approximately 28% operating expenditures including transfers. Transfers include funding for departments/funds such as Information Technology, Facilities/Equipment Maintenance, and the Bay City Airport. The City plans to maintain reserves between 90 days (policy) and 120 days (goal) or 25% and 34% of operating expenditures. Reserves above 25% may be used to fund non-reoccurring expenditures (i.e. capital project).

GENERAL FUND FINANCIAL SUMMARY

General Fund (Fund 11)					
Percent of Fiscal Year Complete	25%				
	Total Budget	YTD Actual*	(Over)Under Budget to Date	% FY 2023 Budget	
Beginning Fund Balance	\$ 4,249,593	\$ 4,249,593	Unaudited		
REVENUES					
Property Taxes	5,046,200	634,657	(4,411,543)	12.6%	
Sales Tax	5,025,000	1,286,548	(3,738,452)	25.6%	
Other Local Taxes (Franchise)	1,399,000	353,770	(1,045,230)	25.3%	
Charges for Services (Sanitation)	2,714,000	664,898	(2,049,102)	24.5%	
Fines & Penalties	190,800	29,073	(161,727)	15.2%	
Licenses & Permits	198,500	45,656	(152,844)	23.0%	
Miscellaneous	1,073,500	219,201	(854,299)	20.4%	
Transfers (Hotel/Motel & Utility)	848,000	184,000	(664,000)	21.7%	
Total Revenues	\$ 16,495,000	\$ 3,417,804	\$ (13,077,196)	20.7%	
EXPENDITURES					
Administrative Council	326,007	88,418	237,590	27.1%	
City General Services	3,247,493	530,043	2,717,450	16.3%	
City Secretary	126,789	22,541	104,248	17.8%	
Main Street	75,000	9,000	66,000	12.0%	
Human Resources	262,371	65,615	196,756	25.0%	
Municipal Court	367,890	78,148	289,742	21.2%	
Finance	376,104	88,375	287,729	23.5%	
Code Enforcement	446,284	106,423	339,861	23.8%	
Police	4,823,753	1,149,782	3,673,971	23.8%	
Animal Impoundment	208,964	44,048	164,916	21.1%	
Fire Department	149,050	15,128	133,922	10.1%	
Recycling Center	297,990	38,864	259,126	13.0%	
Street and Bridge	3,722,869	414,400	3,308,469	11.1%	
Parks	1,159,324	162,861	996,463	14.0%	
Riverside Park	204,513	37,402	167,111	18.3%	
Recreational Programs	83,265	29,778	53,487	35.8%	
Pool Operations	297,707	40,894	256,813	13.7%	
Library	504,627	90,360	414,267	17.9%	
Total Expenditures	\$ 16,680,000	\$ 3,012,081	\$ 13,667,919	18.1%	
*YTD does not includes encumbrances					
Net Revenue (Expenditures)	\$ (185,000)	\$ 405,723			
Ending Fund Balance	\$ 4,064,593	\$ 4,655,316			
% of Operating Reserves	26%	30%			
Fund Balance Target 90 days (25%)	\$ 3,793,677				
Over/(Under) min Policy Level (25%)	\$ 270,916				



	1st Quarter		% Change from Prior Year	Variance
	Fiscal Year 2022	Fiscal Year 2023		
October	534,614.44	548,852.96	2.66%	14,238.52
November	626,681.62	608,716.01	-2.87%	(17,965.61)
December	480,671.18	557,827.93	16.05%	77,156.75
Total	1,641,967.24	1,715,396.90	4.47%	73,429.66
City General Fund (75%)	1,231,475.43	1,286,547.68		55,072.24
BCCDC (25%)	410,491.81	428,849.23		18,357.42
	1,641,967.24	1,715,396.90		73,429.66

Budget FY 2023	Projected Sales Tax	Exceeding Budget
5,025,000	5,183,069	158,069

3%

Public Utility Fund Overview

Revenue Highlights

- As a percentage of budget, total Water & Sewer Revenue is 26% and slightly above budget expectations. (City bills one month in arrears)
- Miscellaneous Income is above the budget mark due to interest income.

Expenditure Highlights

Total expenditures for the Utility Fund are 23% of budget.

Most departments are under the 25% budget target. Budgets that are over the budget target are primarily due to the following:

- Utility Billing- timing of bad debt write-offs
- Utility reserve is estimated to be approximately 35% of operating expenditures by year-end and will be drawn down to take care of any emergency repairs and/or needed capital projects. This reserve increased due to large projects carrying over from prior year. (ie. Mockingbird Water Plant)

PUBLIC UTILITY FUND FINANCIAL SUMMARY

Utility Fund (Fund 61)				
Percent of Fiscal Year Complete	25%			
	Total Budget	YTD Actual*	(Over)Under Budget to Date	% FY 2023 Budget
Beginning Fund Balance	4,056,567	\$ 4,056,567	Unaudited	
REVENUES				
Charges for Services	9,700,500	2,560,257	(7,140,243)	26%
Fines & Penalties	145,000	43,445	(101,555)	30%
Miscellaneous	12,500	4,949	(7,551)	40%
Transfers	29,000	-	(29,000)	0%
Total Revenues	9,887,000	2,608,651	(7,249,349)	26%
EXPENDITURES				
Utility Billing	502,953	152,075	350,878	30%
Utility Maintenance	2,051,828	492,380	1,559,448	24%
Water & WWTP Division	1,862,386	389,131	1,473,255	21%
Utility Operations	6,694,833	1,573,768	5,121,065	24%
Total Expenditures	\$ 11,112,000	\$ 2,607,354	\$ 8,504,646	23%
*YTD does not include encumbrances				
Net Revenue (Expenditures)	\$ (1,225,000)	\$ 1,297		
Ending Fund Balance	\$ 2,831,567	\$ 4,057,864		
% of Operating Reserves	35%	50%		
Target 90 days (25%)	\$ 1,982,997			
Over/(Under) Target	\$ 848,570			

Airport Fund Overview

Revenue Highlights

- As a percentage of budget, overall Airport revenues are lower than budget expectations due to the taxi-way construction project.
- T-Hanger rentals are over budget mark by 4% or 4K.
- Fuel sales are trending lower than budget by 10% or \$43K. This is expected to rebound!
- General Fund (Transfers In) subsidizes the Airport by \$225,000-\$250,000 each year.

Expenditure Highlights

- As a percentage of budget, total expenditures are 13%.

AIRPORT FUND FINANCIAL SUMMARY

Municipal Airport Fund (Fund 64)					
Percent of Fiscal Year Complete	25%				
	Total Budget	YTD Actual*	(Over)Under Budget to Date	% FY 2023 Budget	
Beginning Fund Balance	\$ 101,494	\$ 101,494	Unaudited		
REVENUES					
Charges for Services	-	100	100	0%	
Miscellaneous (Rentals, Grants)	160,500	52,904	(107,596)	33%	
Transfers (General Fund)	225,000	56,250	(168,750)	25%	
Other Revenue (Fuel Sales)	412,500	59,894	(352,606)	15%	
Total Revenues	\$ 798,000	\$ 169,149	\$ (628,851)	21%	
EXPENDITURES					
Personnel	237,850	46,518	191,332	20%	
Supplies & Materials	334,150	3,162	330,988	1%	
Other Charges & Services	119,500	25,978	93,522	22%	
Repairs & Maintenance	127,500	34,953	92,547	27%	
Capital Expenditures	54,000	-	54,000	0%	
Transfers	-	-	-	0%	
Total Expenditures	\$ 873,000	\$ 110,611	\$ 762,389	13%	
*YTD does not include encumbrances					
Net Revenue (Expenditures)	\$ (75,000)	\$ 58,538			
Ending Fund Balance	\$ 26,494	\$ 160,032			
<i>No minimum Fund Balance Policy</i>					
General Fund subsidizes approx.					
\$225,000-250,000 each year					

Civic & Cultural Arts Fund (Hotel /Motel Fund) Overview

Revenue Highlights

- As a percentage of budget, total Hotel/Motel Fund is below budget target of 25%, this is due the timing of hotel payments. Most hotels remit tax on a monthly or quarterly basis. (Oct-Dec receipts will not be remitted until January).
- Miscellaneous Income: Civic Center rentals are at 21% which 4% or \$3K below the budget target. (Timing)

Expenditure Highlights

- As a percentage of budget, total expenditures are at 19%.

HOTEL/MOTEL FUND FINANCIAL SUMMARY

Civic & Cultural Arts Fund (Fund 25)				
Percent of Fiscal Year Complete	25%			
	Total Budget	YTD Actual*	(Over)Under Budget to Date	% FY 2023 Budget
Beginning Fund Balance	\$ 710,965	\$ 710,965	Unaudited	
Revenues				
Hotel Occupancy Tax	620,000	23,483	\$ 596,517	4%
Interest Income	500	161	\$ 339	32%
Rental Fees- Civic Center	81,000	17,145	\$ 63,855	21%
Insurance Claims	-		\$ -	
Other Income- Special Events	10,000	19,051	\$ (9,051)	191%
Other Income	5,500	705	\$ 4,795	13%
Total Revenues	\$ 717,000	60,545	\$ 656,455	8%
Expenditures				
Hotel General	104,500	17,255	87,245	17%
Tourism Department	274,500	69,182	205,318	25%
Civic Center	330,000	48,985	281,015	15%
Bay City Theatre	8,000	233	7,767	3%
CE -Building			-	
Total Expenditures	\$ 717,000	\$ 135,655	\$ 581,345	19%
*YTD does not include encumbrances				
Net Revenue (Expenditures)	\$ -	\$ (75,110)		
Ending Fund Balance	\$ 710,965	\$ 635,854		

Departmental Highlights

- 1st Quarter Activity

Building Department New Homes



1st Qtr 3 NEW RESIDENTIAL HOMES

Value Added: Unknown

Commercial Permits

BUSINESS

1st Qtr – 0 permits

Total Estimated Taxes= \$0

Building Dept.	Oct-Dec 2021	Oct-Dec 2022
*Building Inspections-City	*	216
*Building Inspections-3 rd Party	367	307
Fire Inspections	0	2
COC Issued	0	0
*City and Bureau Veritas (3 rd Party) handle inspections		

Street and Bridge	Oct-Dec 2021	Oct-Dec 2022	Utility	Oct-Dec 2021	Oct-Dec 2022
Concrete Pavement Repair	7	6	Water Leaks	64	103
Ditch Cleaning	11	11	Meter Leaks	11	14
Asphalt Pavement Repair	35	40	Sewer Repairs	2	6
Utility/Asphalt/Concrete Repair	11	15	Low Pressure Reads	5	7
Signs	12	8	Meter Swaps	Accurate	813
Traffic Control Devices	16	8	Water/Sewer Taps	19	51

Civic Center	YTD FY 2022	YTD FY 2023
Total Revenue	\$17,575	\$17,145
Total Expenditures	\$40,334	\$48,984

OTHER FINANCIAL NOTES

Governmental Funds

[General Fund](#)

Reserve – maintaining minimum levels required by policy

CPI up 6.39% (December – Year % Change)

Municipal Cost Index (MCI)- up 6.69% (Dec– Year % Change)- This index was developed by American City & County and is designed to show the effects of inflation on the cost of providing municipal services.

Proprietary Funds

[Public Utility Fund](#)

Emergency water and sewer infrastructure repairs and water wells (amendments)

[Airport](#)

Monitor Fuel Sales

Monitoring:

Sales Tax

Hotel Tax Revenue

Investment Report 1st Quarter Fiscal Year 2023

The City has a weighted average portfolio of 198 days with an average book yield of 1.55%. The City is liquid with 79% of the portfolio in a 0-1-year maturity. Average interest rates have increased since prior quarter except for fixed term investments. Investment earnings are \$42,551 for the quarter and up \$33,686 as compared to the same quarter last year. The investment strategy currently is to diversify & structure a somewhat laddered portfolio (Checking, Investment Pools, and Securities less than 5 years to maturity) to minimize interest rate risk in the future.

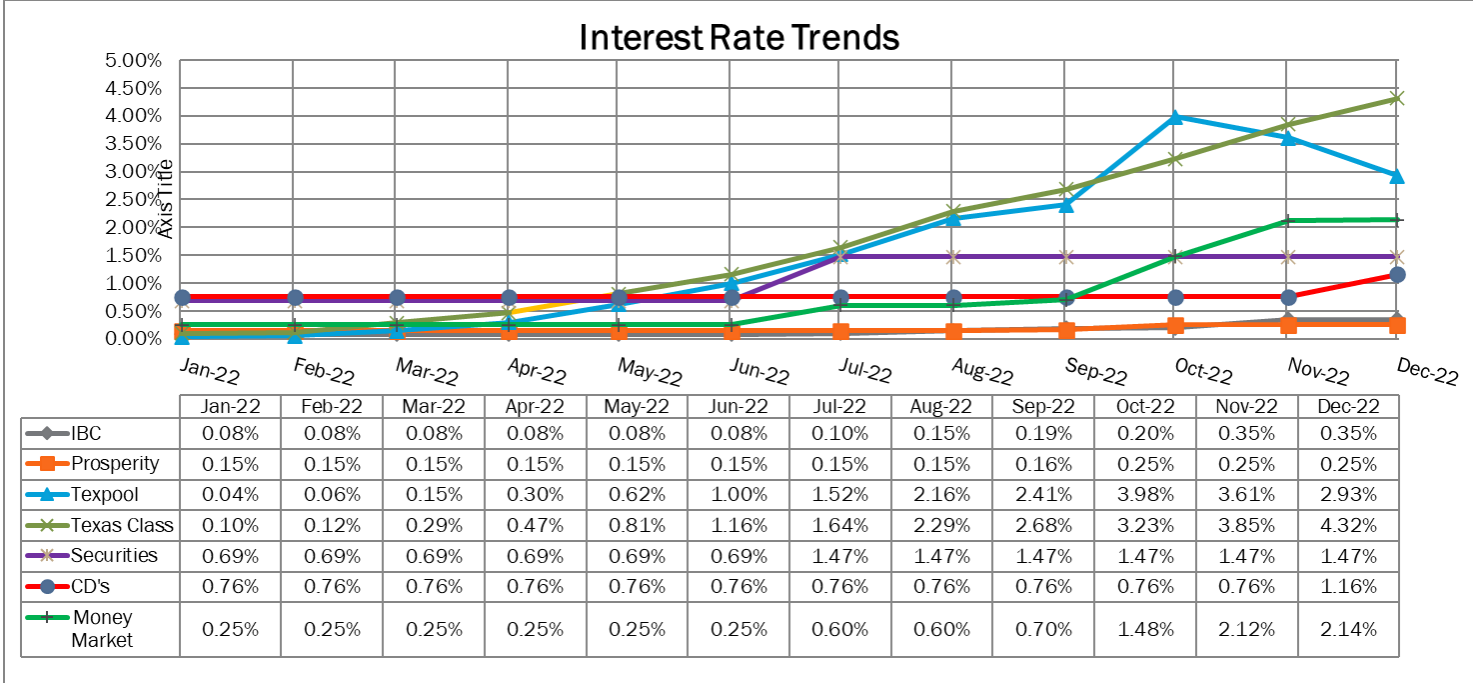
December 31, 2022 Balances

	Total Bal by Type	% of Portfolio
IBC	\$ 4,084,528.25	28%
Prosperity Bank	\$ 280,418.12	2%
Prosperity Bank- Money Market	\$ 4,398,612.18	31%
Petty Cash/Cash Drawers	\$ 4,222.00	0%
Texpool	\$ 1,332,233.80	9%
Texas Class	\$ 579,070.54	4%
CD's	\$ 1,738,000.00	12%
Securities	\$ 2,072,152.00	14%
	\$14,489,236.89	100 %

Interest Earnings

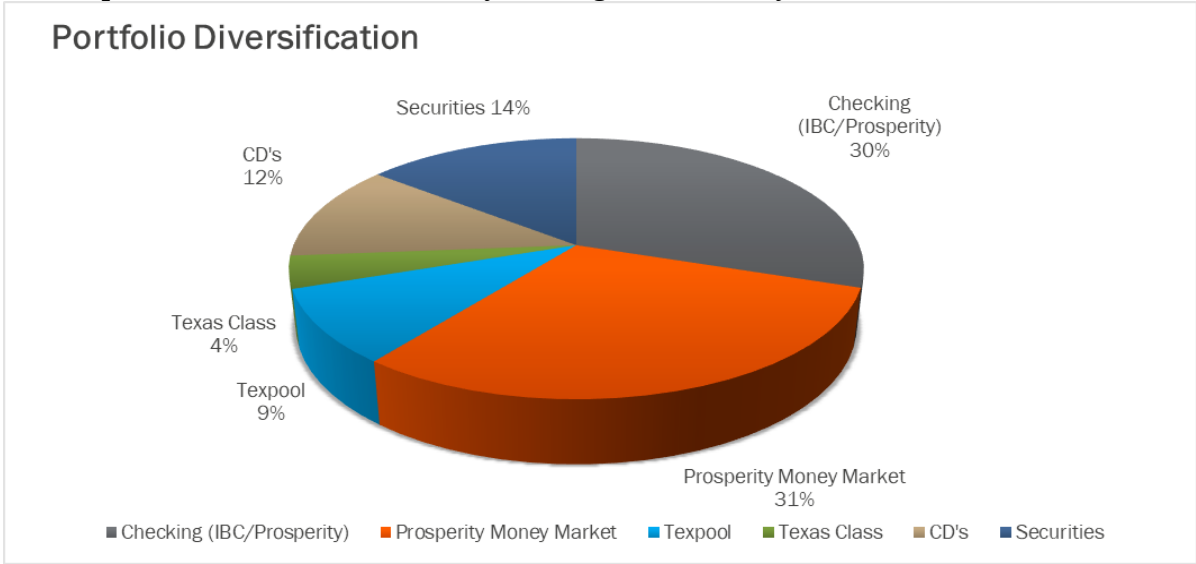
Interest received during the 1st quarter totaled \$ 42,551 and represents interest paid on checking accounts and investments.

Portfolio	Qtr 12-31-22	Qtr 12-31-21	Over Prior Year
Interest Received	\$42,551	\$8,864	\$33,687



Portfolio Diversification


Portfolio Diversification is used to create a structure to reduce investment risks and a portfolio that will experience minimal volatility during economic cycles.



Portfolio Maturity Schedule

The goal is to ladder the City’s portfolio. Due to some economic uncertainty and low interest rates, staying short for investment purposes is the strategy for any investments.

Years to Maturity	Face Value	% Total
0-1	\$ 11,413,237	79%
1-2	\$ 994,000	7%
2-3	\$ 1,585,000	11%
3-4	\$ 497,000	3%
4-5	\$ 0	0%
Total	\$14,489,237	100%

 City of BAY CITY vs. Benchmarks for Quarter Ending DECEMBER 31, 2022						
BOOK VALUE	MARKET VALUE	Unrealized Gain/<Loss>	Average Book Yield	Benchmark Pools	Benchmark 90 Day T-Bill	
\$ 14,489,237	\$ 14,248,649	(240,588.02)	1.55%	3.66%	4.31%	
Weighted Average						
Maturity	198.91	Day(s)	1.55%	Yield		

2/8/2023

City of Bay City
Attn: Robert K. Nelson, Mayor

Re: RECOMMENDATION FOR AWARD
City of Bay City
Armory Building Re-roof.

Dear Mayor Robert K. Nelson:

On 2/2/2023, bids were received for the above referenced project. A total of three (3) bids were received, with the low bid being submitted by Target Roofing, in the amount of \$49,658.44. Based on their low bid and their qualifications to perform the work, I recommend award of the above referenced contract to Target Roofing. For your reference, I have attached the Bid Tabulation.

If you have any questions, feel free to contact me. Thank you.

Sincerely,

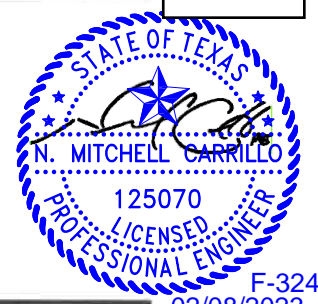


N. Mitchell Carrillo, PE
Mitchell.Carrillo@lynnngroup.com





BID TABULATION



PROJECT: ARMORY BUILDING RE-ROOF
OWNER: CITY OF BAY CITY
LOCATION: BAY CITY
BID DATE: 02/02/2023
BID TIME: 2:00 PM

ENGINEER: Lynn Engineering F-324
 2200 Ave A
 Bay City, TX 77414
 P: 979-245-8900

F-324
02/08/2023

BIDDER	BID BOND	DAYS	ADDENDUM	BASE BID
1. Target Roofing	YES	45		\$ 49658.44
2. TEXAS Roofing & Leak REPAIR	NO			\$ 49990.00
3. D&G Quality Roofing	YES	60		\$ 91,095.00
4.				
5.				
6.				
7.				
8.				
9.				
10.				

*Bid total shown differs from submitted bid due to mathematical errors found and corrected.

PURCHASE REQUISITION CITY OF BAY CITY		PR NO.: 20230201-01	P.O. NO								
DEPARTMENT: Public Works - WWTP		PR DATE: 2/1/2023	VENDOR: Felder Water Well & Pump Services, L.L.C.								
USE (JUSTIFICATION): Purchase Order? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		DATE REQ'D: 2/1/2023	VENDOR #								
Emergency Repairs to Grace St Water Plant		SHIP TO: City of Bay City, Well #10 1011 Grace St Bay City, TX 77414	VEND. PHONE # (979) 849-5144								
			QUOTED BY Dale Felder								
			DATE 1/30/2023								
			TERMS Net 30			Net 30			Net 30		
			F.O.B.								
SHIP VIA: Vendor			SHIP DATE ASAP								
			QUOTE # 1961 / 1962								
ITEM NO.	PRODUCT NO.	DESCRIPTION OF ITEMS	FUND / DEPT / ACCT	UNIT	QTY.	UNIT COST	AMOUNT	UNIT COST	AMOUNT	UNIT COST	AMOUNT
1		Grace St Water Well - Eliminate Sand Production in Well 10 & Replace Existing Pump	61-620-4620	EA	1	\$68,890.00	\$ 68,890.00				
2		Repair Existing Motor	61-620-4620	EA	1	\$10,275.00	\$ 10,275.00				
3		Replace Existing Motor	61-620-4620	EA	1	\$21,250.00	\$ 21,250.00				
4											
5											
6											
7											
8											
9											
10											
11											
12											
DEPARTMENT SUPERVISOR: Louis Rodriguez		DIVISION SUPERVISOR/FOREMAN: Ozzie Martinez	REQUESTED BY: Ozzie Martinez	PAGE TOTAL		\$	100,415.00				
DEPARTMENT HEAD: [Signature]		MAIL INVOICE TO: City of Bay City, Finance Department	DATE ORDERED:	PR TOTAL		\$	100,415.00				
FINANCE DIRECTOR: [Signature]		1901 5th Street	PAGE 1 of 1								
		Bay City, TX 77414									

Form PR, Revised: October 2019

RECEIVED

FEB 03 2023

BY: FINANCE DEPT.

PO Request 2023-02-01 - Felder - WWTP Grace St Water Plant

Emergency Procurement 2/8/23
w/ Katy Well down

Felder Water Well & Pump Services LLC

P. O. Box 1033
 Angleton, TX 77516-1033
 979-849-5144

Estimate

Date	Estimate #
1/20/2023	1961

Name / Address
City of Bay City Water Well No. 10 Bay City, Texas 77414

Terms	Project

Description	Qty	Cost	Total
ESTIMATE TO ATTEMPT TO ELIMINATE SAND PRODUCTION IN WELL NO. 10 AND REPLACE EXISTING PUMP Based upon the video survey performed 1/9/23, it appears that bottom of the well is compromised and is allowing sand to flow into the well casing causing damage to the pump. The video show that the screen are still fairly open and appear to be in good condition. Due to the high velocity of water and sand flowing from the bottom of the well, a cement plug cannot be installed. In an attempt to stop the sand intrusion, Felder Water Well recommends installing various grades of carbon steel ball bearings at the bottom of the water well (approximately 5.5 cubic feet) and topping the bearings with approximately 3' of bull rock. The new pump will be installed, system will be pressurized, tested, balanced and put back into production.			
WORK PERFORMED TO DATE: 1/6/23 Mobilization and labor to pull the pump from the well, bailed and disposed of approximately 25 gallons of oil 1/9/23 Performed video survey and began motor performance testing	12	225.00	2,700.00
NEW EQUIPMENT TO BE INSTALLED: (1) 3 Stage 12CHC OL Bowl Assembly (1) 1-1/2 x 2-1/2 x 10' Floway top special (12) 1-1/2 x 2-1/2 x 20' Floway (1) 1-1/2 x 2-1/2 x 10' Floway (14) 2-1/2 x 8' BWS (1) 8" x 18" Top column adjusting nipple (2) 8 x 10' T&C .277 Wall column pipe (12) 8 x 20' T&C .277 Wall column pipe (1) Tension assembly-1-1/2 x 2-1/2 Tension nut & tension plate Carbon steel bearings Bull rock 260' Airline - stainless steel Mobilization and labor including travel time Sales Tax	1	3,500.00	3,500.00
	1	55,040.00	55,040.00
	34	225.00 0.00%	7,650.00 0.00
Total			\$68,890.00

Regulated by Texas Dept. of Licensing and Regulations
 P.O. Box 12157 Austin, TX 78711
 800-803-9202

Customer Signature _____

Felder Water Well & Pump Services LLC

P. O. Box 1033
 Angleton, TX 77516-1033
 979-849-5144

Estimate

Date	Estimate #
1/30/2023	1962

Name / Address
City of Bay City Water Well No. 10 Bay City, Texas 77414

Terms	Project

Description	Qty	Cost	Total
ESTIMATE TO REPAIR OR REPLACE TURBINE HOLLOW SHAFT MOTOR FOR WELL NO. 10			
ESTIMATE TO REPAIR CUSTOMER'S EXISTING MOTOR DETAILED BELOW: 125HP VHS TECO 1780RPM, 405TP, WPI 230/460 Volt Serial No.: ZY713C465002 Scope of work: -Disassemble and inspect -Clean and bake stator windings -Degrease and clean parts -Install new bearings -Install new space heaters, oil sight glass, drain valve and fill plug -Repair rain cover -Balance rotor -Assemble, test, and paint	1	10,275.00	10,275.00
ESTIMATE TO REPLACE EXISTING MOTOR: New 125HP VHS TECO1780RPM, 405TP, WPI, 230/460 Volt (estimated delivery end of March – price includes freight) New motor pricing good for 30 days	1	21,250.00	21,250.00
Thank you for the opportunity to provide an estimate for this project!		Total	\$31,525.00

Regulated by Texas Dept. of Licensing and Regulations
 P.O. Box 12157 Austin, TX 78711
 800-803-9202

Customer Signature _____



1.17.23

Felder Water Well
17276 FM523
Angleton, TX 77515

Attention: Eric Branch
Reference: Bay City Well 10

Dear Mr. Eric Branch,

At your request my pump tech disassembled and inspected the three stage 12C intermediate bowl assembly. There is noticeable wear in the top diffuser vanes. It was also noted the column pipe had erosion in all joints situated around the vanes of the rubber centering spiders. Noting that one joint of pipe had a hole located at the rubber spider. These are all signs of extreme sand intrusion. I would recommend replacing the bowls assembly and column assembly. The bowl assembly is recommended assembly with intermediate rubber bowl bearings to help with the sand wear and extend the life of the bowl.

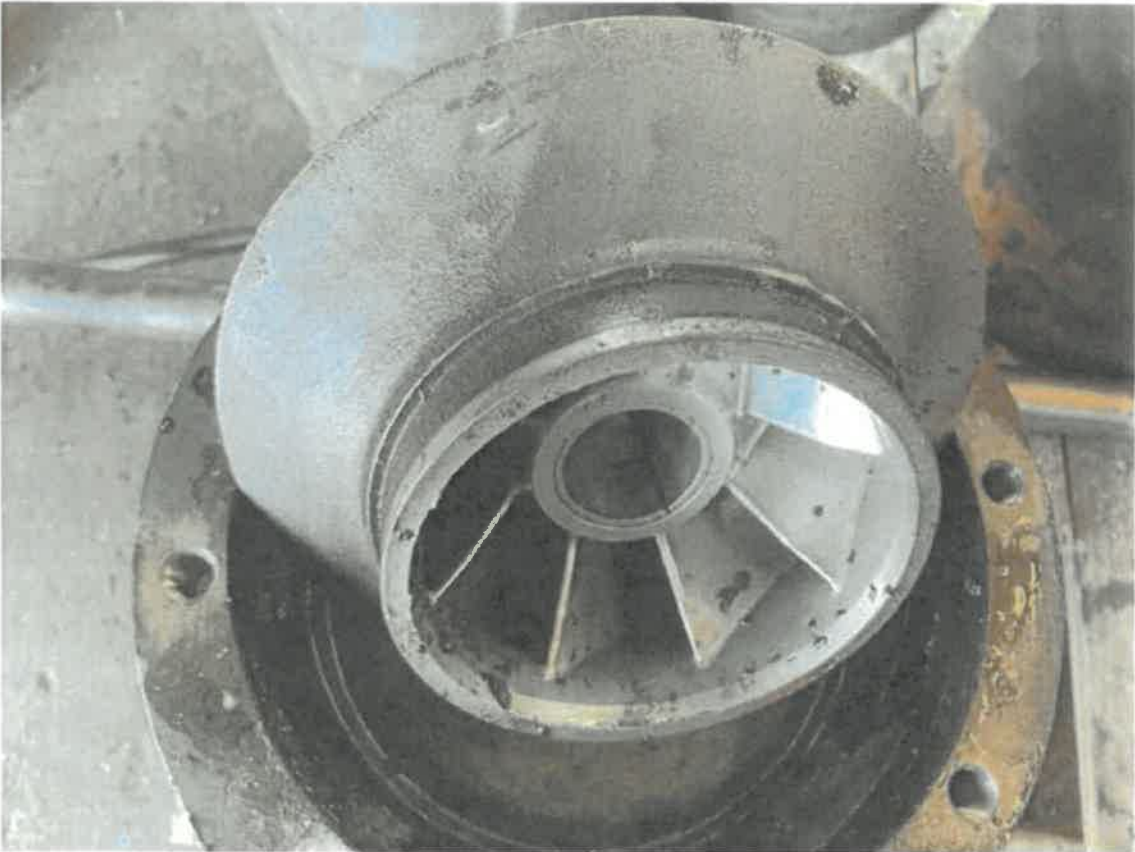
Sincerely,

Brian Scott Freeman

Scott Freeman
Managing Partner

VFIPUMPS.COM

From: [Brett Patterson](#)
To: [Scott Freeman](#)
Subject: Felder WW - Bay City Well 10 Pics 1
Date: Tuesday, January 17, 2023 9:05:17 AM







Sent from my iPhone



CITY OF BAY CITY
 1901 5th Street
 Bay City, Texas, 77414

PURCHASE ORDER ITEM #12.

PO Number: 23-0729 **Date:** 02/08/2023
Requisition #: REQ00256 **Vendor #:** 51808

ISSUED TO: FELDER WATER WELL & PUMP SERVICE LLC
 P.O.BOX 1033
 ANGLETON, TX 77516-1033

SHIP TO: CITY OF BAY CITY- WHSE
 1217 AVENUE J
 Bay City, TX 77414

ITEM	UNITS DESCRIPTION	GL ACCT #	PRICE	AMOUNT
1	0 ELIMINATE SAND PRODUCTION IN WELL 10	61-620-4520	0.00	68,890.00
2	0 REPAIR EXISTING MOTOR	61-620-4520	0.00	10,275.00
3	0 REPLACE EXISTING MOTOR	61-620-4520	0.00	21,250.00
EMERGENCY REPAIR AT GRACE STREET WATER PLANT MAYOR APPROVED 2-8-23 CITY COUNCIL APPROVED 2-2023				

SUBTOTAL:	100,415.00
TOTAL TAX:	0.00
TOTAL	100,415.00

Approvals

Ordered By: LOUIS RODRIGUEZ **Date:** 02/08/2023

Approved By: BARRY CALHOUN **Date:** 02/08/2023

Finance Director: *Stacy Jones* **Date:** 02/08/2023

1. Original invoice plus one copy must be sent to:
 City of Bay City, Accounts Payable Dept, 1901 5th Street, Bay City, TX 77414.
2. Purchase Order numbers must appear on all shipping containers, packing slips and invoices.
3. The City is exempt from all federal excise and state tax – ID# 74-6000238
4. Terms: The City has 30 day to pay any invoice

EXHIBIT K
Subdivision and Special District Settlement Participation Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Agreement dated November 22, 2022 (“*Allergan Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Allergan Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Allergan Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Allergan Settlement as provided therein.
2. Following the execution of this Settlement Participation Form, the Governmental Entity shall comply with Section III.B of the Allergan Settlement regarding Cessation of Litigation Activities.
3. The Governmental Entity shall, within fourteen (14) days of the Reference Date and prior to the filing of the Consent Judgment, file a request to dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the MDL Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal With Prejudice substantially in the form found at [link to national settlement website page to be provided].
4. The Governmental Entity agrees to the terms of the Allergan Settlement pertaining to Subdivisions and Special Districts as defined therein.
5. By agreeing to the terms of the Allergan Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
6. The Governmental Entity agrees to use any monies it receives through the Allergan Settlement solely for the purposes provided therein.

7. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Allergan Settlement.
8. The Governmental Entity has the right to enforce the Allergan Settlement as provided therein.
9. The Governmental Entity, as a Participating Subdivision or Participating Special District, hereby becomes a Releasor for all purposes in the Allergan Settlement, including, but not limited to, all provisions of **Section V (Release)**, and along with all departments, agencies, divisions, boards, commissions, Subdivisions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity whether elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist in bringing, or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Allergan Settlement are intended to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Allergan Settlement shall be a complete bar to any Released Claim.
10. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision or Participating Special District as set forth in the Allergan Settlement.
11. In connection with the releases provided for in the Allergan Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would

materially affect the Governmental Entities' decision to participate in the Allergan Settlement.

12. Nothing herein is intended to modify in any way the terms of the Allergan Settlement, to which the Governmental Entity hereby agrees. To the extent this Settlement Participation Form is interpreted differently from the Allergan Settlement in any respect, the Allergan Settlement controls.

I have all necessary power and authorization to execute this Settlement Participation Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation and Release Form

[Draft]

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December [], 2022 (“*Walgreens Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the Walgreens Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walgreens Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the Walgreens Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at [website link to national settlement website to be provided].
3. The Governmental Entity agrees to the terms of the Walgreens Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the Walgreens Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walgreens Settlement solely for the purposes provided therein.

6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity's state where the Consent Judgment is filed for purposes limited to that court's role as provided in, and for resolving disputes to the extent provided in, the Walgreens Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the Walgreens Settlement.
7. The Governmental Entity has the right to enforce the Walgreens Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walgreens Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walgreens Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walgreens Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the Walgreens Settlement.
10. In connection with the releases provided for in the Walgreens Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance,

oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walgreens Settlement.

- 11. Nothing herein is intended to modify in any way the terms of the Walgreens Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the Walgreens Settlement in any respect, the Walgreens Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K

Subdivision Participation Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“Governmental Entity”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated November 14, 2022 (“Walmart Settlement”), and acting through the undersigned authorized official, hereby elects to participate in the Walmart Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the Walmart Settlement, understands that all terms in this Election and Release have the meanings defined therein, and agrees that by this Election, the Governmental Entity elects to participate in the Walmart Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event within 14 days of the Effective Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed.
3. The Governmental Entity agrees to the terms of the Walmart Settlement pertaining to Subdivisions as defined therein.
4. By agreeing to the terms of the Walmart Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the Walmart Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role as provided in, and for resolving disputes to the extent provided in, the Walmart Settlement.
7. The Governmental Entity has the right to enforce the Walmart Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the Walmart Settlement, including but not limited to all provisions of Section X (Release), and along with all departments, agencies, divisions, boards,

commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the Walmart Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The Walmart Settlement shall be a complete bar to any Released Claim.

9. In connection with the releases provided for in the Walmart Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the Walmart Settlement.

10. Nothing herein is intended to modify in any way the terms of the Walmart Settlement, to which Governmental Entity hereby agrees. To the extent this Election and Release is interpreted differently from the Walmart Settlement in any respect, the Walmart Settlement controls.

I have all necessary power and authorization to execute this Election and Release on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____

EXHIBIT K¹

Subdivision Participation and Release Form

Governmental Entity:	State:
Authorized Official:	
Address 1:	
Address 2:	
City, State, Zip:	
Phone:	
Email:	

The governmental entity identified above (“*Governmental Entity*”), in order to obtain and in consideration for the benefits provided to the Governmental Entity pursuant to the Settlement Agreement dated December 2, 2022 (“*CVS Settlement*”), and acting through the undersigned authorized official, hereby elects to participate in the CVS Settlement, release all Released Claims against all Released Entities, and agrees as follows.

1. The Governmental Entity is aware of and has reviewed the CVS Settlement, understands that all terms in this Participation and Release Form have the meanings defined therein, and agrees that by executing this Participation and Release Form, the Governmental Entity elects to participate in the CVS Settlement and become a Participating Subdivision as provided therein.
2. The Governmental Entity shall promptly, and in any event no later than 14 days after the Reference Date and prior to the filing of the Consent Judgment, dismiss with prejudice any Released Claims that it has filed. With respect to any Released Claims pending in *In re National Prescription Opiate Litigation*, MDL No. 2804, the Governmental Entity authorizes the Plaintiffs’ Executive Committee to execute and file on behalf of the Governmental Entity a Stipulation of Dismissal with Prejudice substantially in the form found at [website link to national settlement website to be provided].
3. The Governmental Entity agrees to the terms of the CVS Settlement pertaining to Participating Subdivisions as defined therein.
4. By agreeing to the terms of the CVS Settlement and becoming a Releasor, the Governmental Entity is entitled to the benefits provided therein, including, if applicable, monetary payments beginning after the Effective Date.
5. The Governmental Entity agrees to use any monies it receives through the CVS Settlement solely for the purposes provided therein.
6. The Governmental Entity submits to the jurisdiction of the court in the Governmental Entity’s state where the Consent Judgment is filed for purposes limited to that court’s role

¹ As of December 8, 2022.

as provided in, and for resolving disputes to the extent provided in, the CVS Settlement. The Governmental Entity likewise agrees to arbitrate before the National Arbitration Panel as provided in, and for resolving disputes to the extent otherwise provided in, the CVS Settlement.

7. The Governmental Entity has the right to enforce the CVS Settlement as provided therein.
8. The Governmental Entity, as a Participating Subdivision, hereby becomes a Releasor for all purposes in the CVS Settlement, including without limitation all provisions of Section XI (Release), and along with all departments, agencies, divisions, boards, commissions, districts, instrumentalities of any kind and attorneys, and any person in their official capacity elected or appointed to serve any of the foregoing and any agency, person, or other entity claiming by or through any of the foregoing, and any other entity identified in the definition of Releasor, provides for a release to the fullest extent of its authority. As a Releasor, the Governmental Entity hereby absolutely, unconditionally, and irrevocably covenants not to bring, file, or claim, or to cause, assist or permit to be brought, filed, or claimed, or to otherwise seek to establish liability for any Released Claims against any Released Entity in any forum whatsoever. The releases provided for in the CVS Settlement are intended by the Parties to be broad and shall be interpreted so as to give the Released Entities the broadest possible bar against any liability relating in any way to Released Claims and extend to the full extent of the power of the Governmental Entity to release claims. The CVS Settlement shall be a complete bar to any Released Claim.
9. The Governmental Entity hereby takes on all rights and obligations of a Participating Subdivision as set forth in the CVS Settlement.
10. In connection with the releases provided for in the CVS Settlement, each Governmental Entity expressly waives, releases, and forever discharges any and all provisions, rights, and benefits conferred by any law of any state or territory of the United States or other jurisdiction, or principle of common law, which is similar, comparable, or equivalent to § 1542 of the California Civil Code, which reads:

General Release; extent. A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release that, if known by him or her would have materially affected his or her settlement with the debtor or released party.

A Releasor may hereafter discover facts other than or different from those which it knows, believes, or assumes to be true with respect to the Released Claims, but each Governmental Entity hereby expressly waives and fully, finally, and forever settles, releases and discharges, upon the Effective Date, any and all Released Claims that may exist as of such date but which Releasors do not know or suspect to exist, whether through ignorance, oversight, error, negligence or through no fault whatsoever, and which, if known, would materially affect the Governmental Entities' decision to participate in the CVS Settlement.

11. Nothing herein is intended to modify in any way the terms of the CVS Settlement, to which Governmental Entity hereby agrees. To the extent this Participation and Release Form is interpreted differently from the CVS Settlement in any respect, the CVS Settlement controls.

I have all necessary power and authorization to execute this Participation and Release Form on behalf of the Governmental Entity.

Signature: _____

Name: _____

Title: _____

Date: _____