



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, March 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 Floyce Brown

MISSION STATEMENT

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

Councilwoman Floyce Brown

APPROVAL OF AGENDA**PUBLIC COMMENTS**

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

ACKNOWLEDGEMENT FROM CITY MANAGER**CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL**

- 1. Regular Council Meeting minutes of February 28, 2023.**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 2. Resolution ~ Discuss, consider, and/or approve a Resolution authorizing the City of Bay City Community Development Corporation to enter into a contract with Bay City CFA Series LL c/o Lisciotti Development Corporation; providing incentives not to exceed a total amount of \$250,000 over the term of the agreement (Second Reading). Jessica Russell, BCCDC Executive Director**
- 3. Agreement ~ Discuss, consider, and/or approve a partnership between the City of Bay City, Texas and Bay City KIDS, daycare & education center. Miracle Rivers (Mayor Nelson)**
- 4. Report ~ Discuss, consider, and/or approve the Police Department Annual Report and Racial Profiling Report. Christella Rodriguez, Chief of Police**
- 5. Development ~ Discuss, consider and/or approve support of the Matagorda Harbor "Matagorda Rising Project". Robert K. Nelson, Mayor**
- 6. Contract ~ Discuss, consider, and/or approve awarding the bid to K.B. Electric, LLC for the Hardeman Park Soccer Lighting Project and authorize the City Manager to execute a contract to form by the City Attorney. Scotty Jones, Finance Director**
- 7. Ordinance ~ Discuss, consider, and/or approve an Ordinance of the City of Bay City, Texas adopting a "Budget Amendment #1" to the "Annual Budget of the City of Bay City, Texas, for the Fiscal year 2023"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject. Scotty Jones, Finance Director**
- 8. Facility Maintenance ~ Discuss, consider, and/or approve allocating funds for building repairs of the Whitson Street facility leased by Economic Action Committee. Scotty Jones, Finance Director**

CLOSED / EXECUTIVE SESSION

9. **Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
10. **Personnel ~ Closed meeting to discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (To discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: City Manager**

RECONVENE AND ACTION

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, March 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.

CITY OF BAY CITY

MINUTES • FEBRUARY 28, 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 6:00 pm and a quorum was certified.

PRESENT

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

INVOCATION & PLEDGE

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

Councilman Blayne Finlay

MISSION STATEMENT

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Councilman Blayne Finlay

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

Ben Flores announced his candidacy for City Council Position 1.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL**1. Regular Council Meeting minutes of February 14, 2023.**

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

PUBLIC HEARING**2. Public Hearing on Business Resilience Project for Lisciotti CRE LLC.**

Jessica Russell, Executive Director of BCCDC, stated that Bay City Community Development Corporation held a public hearing and the city is not required.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**3. Resolution ~ Discuss, consider, and/or approve a Resolution authorizing the City of Bay City Community Development Corporation to enter into a contract with Bay City CFA Series LL c/o Lisciotti Development Corporation; providing incentives not to exceed a total amount of \$250,000 over the term of the agreement (First Reading).**

Jessica Russell, BCCDC Executive Director, introduced the resolution as the first reading and acknowledged that Lisciotti is the developer of the Chick-Fil-A. Councilman Westmoreland requested a copy of the contract that is reference in the resolution but not provided. Thomas Gwosdz, City Assistant Attorney, stated that a Council vote is not required on the first reading.

4. Award ~ Presentation of "CiCi" award to Bay City Community Development Corporation.

Jessica Russell, BCCDC Executive Director, presented the "CiCi" awarded to BCCDC for outstanding achievement in economic development.

5. Award ~ Presentation of 2022 TMLDA Achievement of Excellence in Libraries Award.

Samantha Denbow, Library Director, presented the 2022 Texas Municipal Library Directors Association Achievement of Excellence Award.

6. Resolution ~ Discuss, consider, and/or adopt a Resolution authorizing the submission of the 2023-2024 Texas Community Development Block Grant Program application and adopting required CDBG Civil Rights policies.

Gabriel Lopez, Engineering Tech, introduced the resolution that pertains to the CDBG Grant that they have been working on and is due April 3rd. Mr. Lopez added that they have been making good progress. The grant is for water line improvement projects and match is 15 percent.

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

7. **Resolution ~ Discuss, consider, and/or adopt a Resolution to designate authorized signatories for the 2023-2024 Texas Community Development Block Grant program.** Gabriel Lopez, Engineering Tech

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

8. **Analysis ~ Discuss, consider, and/or accept the community wide housing analysis performed regarding impediments to Fair Housing for the City of Bay City as part of the grant application for the 2023-2024 Texas Community Development Block Grant program.**

Gabriel Lopez, Engineering Tech, reviewed the analysis that was done by GrantWorks and due by April 3rd for the Community Development Block Grant. Councilman Westmoreland brought attention to the percentage of minorities was not adding up correctly on the first page.

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

9. **Contract ~ Discuss, consider, and/or approve Amendment No. 1 Work Authorization No. 5 to the standard contract agreement between the City of Bay City, Texas and Garver, LLC for Professional Engineering Services for the Design, Bid, and Construction of the new North Water Plant under the Texas Water Development Board Funding Drinking Water SRF Projects.**

Barry Calhoun, Public Works Director, presented the amendment to revise the design to match the East Plant capacity. Councilman Westmoreland asked if we are matching the other plant then why so much for the design if it's just a copy. A representative from Garver stated that they will need to revise the drawing because it is not the same shape. However, the plants will use the same replacement parts. Mayor Nelson added that there is a possibility that these two new wells capacity might replace the other.

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

10. **Contract ~ Discuss, consider, and/or approve Amendment No. 1 Work Authorization No. 7 to the standard contract agreement between the City of Bay City, Texas and Garver, LLC for Professional Engineering Services for the Design, Bid, and Construction of the new East Water Plant under the Texas Water Development Board Funding Drinking Water SRF Projects.**

Barry Calhoun, Public Works Director, stated that the contract originally included the Airport water well technical support, but Council direction was to put Airport aside.

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

CLOSED / EXECUTIVE SESSION

Council adjourned into an executive session at 6:36 pm.

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

RECONVENE AND ACTION

Council reconvened into a regular session at 8:06 pm and took no action on items #11 and #12.

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

Mayor Pro Tem Folse would like the web site updated with correct people, some of council photos are outdated. Mayor Pro Tem also stated that he forwarded Patty McKelvy's volunteer interest form for Planning Commission to the Mayor's office.

Mayor Pro Tem Folse requested an updated on the Hardeman Park lights and Councilman Westmoreland added the Little League field lights that they have had a problem with.

Councilman Westmoreland requested updates on train quiet zones and any progress. Mayor responded there were no updates and BASF was to set up another meeting.

Councilwoman Sitz concerned regarding the noise level of the prolonged idling of the train and concerned for children living near by.

Councilwoman Brown announced Heritage Parade this Saturday and her running for re-election of council position 1. Councilwoman Sitz reminded all that the Fair and Rodeo is all weekend.

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 8:18 pm.

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

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

JEANNA THOMPSON
CITY SECRETARY

RESOLUTION NO. 2023-R-_____

A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, TO AUTHORIZE THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION TO ENTER INTO A CONTRACT WITH BAY CITY CFA SERIES LLC C/O LISCIOTTI DEVELOPMENT CORP., PROVIDING INCENTIVES NOT TO EXCEED A TOTAL AMOUNT OF \$250,000 OVER THE TERM OF THE AGREEMENT (SECOND READING)

WHEREAS, the City of Bay City is a home rule city governed by its City Charter, and with a population of less than 20,000 inhabitants; and

WHEREAS, the Bay City Community Development Corporation, (BCCDC) is Type B development corporation established pursuant to the Texas Local Government Code Chapter 505, subchapter B; and

WHEREAS, in accordance with Texas Local Government Code Section 505.158 the BCCDC is authorized provide land, building, equipment, facilities, expenditures, targeted infrastructure, and improvements found by the board of directors to promote new or expanded business development projects; and

WHEREAS, in accordance with Texas Local Government Code, in order for the BCCDC's action to become final for projects requiring an expenditure of more than \$50,000, the city council must adopt a resolution authorizing the project after giving the resolution at least two (2) separate readings; and

WHEREAS, the BCCDC has identified the proposed development of a restaurant by BAY CITY CFA SERIES LLC C/O LISCIOTTI DEVELOPMENT CORP., as a Project qualified to receive expenditures from BCCDC;

WHEREAS, at its Regular Board Meeting held, February 13, 2023, the BCCDC held a public hearing, and considered and voted to approve an agreement that grants incentives for the Project, including a \$250,000.00 loan to grant. Further, the Note and Performance Agreement state conditions for full forgiveness of the loan and requires full repayment of the loan by December 1, 2034; if the grant obligations are not met; and

WHEREAS, at the public hearing the BCCDC Executive Director described the project proposed by the grant applicant that it would invest \$1,200,000.00 for the design, construction and material associated with tenant improvements for the proposed restaurant site, and that the Tenant of such restaurant facility would create new jobs and generate sales taxes; and

WHEREAS, a copy of the agreement and note approved by the BCCDC is attached hereto as Exhibit "A"

WHEREAS, the City Council finds that the proposed BCCDC grant will promote new or expanded business development:

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

Section one.

In accordance with Texas Local Government Code Section 505.158, the City Council of Bay City, Texas, hereby authorizes the Project as described in the recitals above.

PASSED AND APPROVED ON SECOND READING AT BAY CITY TEXAS THIS 28th DAY OF FEBUARY, 2023.

SIGNED AND APPROVED:

CITY OF BAY CITY

By: _____
ROBERT K. NELSON, Mayor

Date signed: _____

ATTEST:

By: _____
JEANNA THOMPSON, City Secretary

Date signed: _____

APPROVED AS TO FORM:

City Attorney



The Service Agreement (“Agreement”) is made and entered into on March 01, 2023 by and between, City of Bay City Texas (“PCA”), a Texas (Matagorda County) with principal offices located at City Hall 1901 5th Street Bay City, Texas 77414, and Bay City Kids Academy (“Provider”), a Texas Limited Liability Company a new and upcoming licensed childcare center that will be located at 3307 Avenue F Bay City, Texas 77414. PCA and Provider shall hereinafter be referred to as “Parties,” and, individually, a “Party.”

Whereas PCA seeks to reserve slots in a quality childcare program for all Bay City Employees as listed;

- All City of Bay City Employees
- Bay City First Responders
- Bay City Police Department
- Bay City Teachers

Whereas, Provider offers a quality, licensed center based childcare program located centrally in Bay City.

Therefore, PCA and Provider enter into this Agreement as follows.

I. Child Care Program

A. Provider shall offer child care services (“Services”) for the dependent children of qualified Bay City employees at 3307 Avenue F Bay City, Texas 77414. The operations of the “Services” at this location shall hereinafter be referred to as the “Program Site.”

a. Bay City Kids Academy will undergo full renovations beginning 02/20/2023 for next 90 days scheduled to end on/or before 05/30/2023. Contingent opening Date of June 5, 2023.

B. The Program Site’s operating schedule will be Monday through Friday, 6:00 AM to 6:30 PM.

a. The Program closes for most major holidays (a full 2023 Calendar will be provided) Provider will inform all families of exact weeks of closure with three (3) months’ advance notice. Also, all families will be provided with a yearly calendar at enrollment and given a monthly calendar with events and closures.

C. Provider shall reserve a maximum of forty (40) childcare slots for PCA children from birth to age twelve.

1. In accordance with Texas Child Care Regulation, licensed child care center capacity will reduce depending on the number of enrolled infants and toddlers. Even if fewer than forty (40) PCA children are enrolled, children of certain ages might need to be

placed on a wait list until slots open for them so that the Provider can remain in compliance and continue to provide high-quality care.

2. The number of child care slots reserved for PCA is determined based on half of current planned estimated building(buildout) occupancy at completion. PCA employees with expressed interest in enrolling children on/before August 30,2023.

3. At least every six (6) months, the number of slots reserved for PCA's employees will be revisited based on circumstances and interest from PCA's employees. PCA and Provider will discuss and mutually agree upon changes to the number of reserved slots, depending on PCA employee interest and Provider's other enrollments.

4. If at any time, Provider enrolls 50% or fewer PCA children than agreed-upon reserved PCA slots, Provider can reduce the number of open, reserved PCA childcare slots so that other children in the community can be enrolled.

II. Provider Responsibilities

A. Space. Provider shall be responsible for the space at 3307 Avenue F Bay City, Texas 77414. Provider shall maintain the Program Site for in accordance with standards expected of a quality childcare program.

B. Employment. As needed, provider shall hire, employ, pay, and supervise qualified staff to meet the needs of the childcare program. Provider shall have the sole authority to hire and fire employees of the Program providing Services under this Agreement. Provider's employees shall remain solely employees of the Provider at all times, subject to the Provider's employment terms and conditions.

C. Enrollment Periods. Enrolled families shall abide by the enrollment terms set forth in the Provider's Family Handbook. The Family Handbook will be provided at enrollment.

D. Tuition. Provider handles collecting and receiving all tuition payments from enrolled families. ALL individual qualified under PCA will receive a discounted rate of 35% off per child the first year of service with a decrease by 10% each year following. Tuition is collected at a weekly basis on Friday in advance of care and setup on auto draft. If Provider has not received sufficient tuition payment from PCA families:

i. Provider will issue a written warning to the family. Family will also be notified via communication app appointed by the center. Entrance to center not be allowed after day 3.

ii. On a case by case basis a week max grace may be given. Late fee will be given and applied to family account.

iii. Family enrollment will be considered returned to good standing once all overdue tuition has been received. Child/ren may return to care.

iv. Provider reserves the right to terminate enrollment of families who have outstanding balances of two weeks of unpaid tuition for one enrolled child.

i. Insurance Provider shall, at all times during the Agreement, carry business liability insurance covering the workforce childcare space.

III. PCA Responsibilities

A. Offering. All PCA employees shall be informed about this childcare partnership as an employee benefit. PCA's Human Resources Coordinator/and or Provider shall be the point of contact for employees interested in learning more about the childcare partnership.

B. Employee Interest. PCA shall reassess employee interest in the Services every six (6) months. PCA shall communicate in writing whether they request to maintain, decrease, or increase reserved slots for their employees' children.

IV. Mutual responsibilities

A. Changes to reserved slots. Decreases or increases in reserved slots will be mutually discussed and agreed upon by PCA and Provider on a six (6) month basis, based on PCA employee interest and Provider availability.

V. Term & Termination

A. Term.

1. This Agreement shall have an initial term of one (1) year commencing on the Effective 03/01/2023 until 03/31/2024.

B. Termination.

1. Without cause. This Agreement may be terminated without cause with sixty (60) days' written notice.

2. For cause.

i. If a Party materially fails in their obligations under this Agreement, written notice shall be given to the Party to cure the breach.

ii. The Party receiving written notice must reply with a remediation plan within ten (10) business days.

iii. If the Party does not cure the breach within thirty (30) days of receiving written notice, this Agreement shall terminate for cause.

VI. General Provisions

J. Governing Law. This Agreement shall be governed by the laws of the State of Texas, without giving effect to the conflicts of law's provisions thereof.

K. Integration. This Agreement contains the entire agreement of the Parties and supersedes all oral agreements, negotiations and representations between the parties pertaining to the subject matter of this Agreement.

L. No Third-Party Beneficiaries. Nothing in this Agreement shall be construed as giving any person, corporation or other entity other than the Parties any right, remedy or claim under or in respect of this Agreement or any provision hereof.

M. Severability. If any provision of this Agreement is found to be invalid, the remaining provisions shall remain in full force and effect.

N. Waiver of Breach. The waiver by either Party of any breach of any provision of this Agreement shall not be deemed a waiver of any subsequent breach by the other Party of the same or of different provisions.

O. Binding Effect; Assignment. Except as otherwise provided in this Agreement, every covenant, term and provision of this Agreement shall be binding upon and inure to the benefit of the Parties and their respective and permitted successors, transferees and assigns. Neither Party may assign, subcontract or transfer any of its rights, responsibilities or obligations under this Agreement without the other Party's prior written consent, which such Party may withhold in its sole discretion.

P. Amendment. Any amendment to this Agreement shall be made in writing, signed by an authorized representative of each Party and attached to this Agreement.

Q. Notices. Notices required by this Agreement shall be made in writing and delivered via U.S. mail (postage prepaid), commercial courier, or personal delivery or sent by facsimile or other electronic means (provided that receipt is confirmed). Any notice delivered or sent as described above shall be effective on the date received. All notices and other written communications under this Agreement shall be addressed to the individuals in the capacities indicated below, unless otherwise modified by subsequent written notice.

Contact Information

If to PCA:
Robert Nelson
Mayor
City Hall
1901 5th Street Bay City, Texas 77414
(979)245-2137
nelson@cityofbaycity.org

If to Provider:
Miracle Rivers
Owner/Director
BayCity Kids Academy
3307 Avenue F. Bay City, Texas 77414
(832)768-8106
BayCitykidsacademy@gmail.com

In Witness Whereof, the Parties have executed the Amendment as of the date first set forth above.

For PCA:

For Provider:

Date:
Robert Nelson
Mayor
City of Bay City, Texas

Date:
Miracle Rivers
Owner/Director
BayCity Kids Academy



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:	Christella Rodriguez <hr/> <i>Last, First</i>	Date Submitted:	02/15/2023 <hr/> <i>MM/DD/YYYY</i>
Requestor Type:	City Staff <hr/> <i>Citizen/City Staff/Council Member</i>	Meeting Date:	03/14/2023 <hr/> <i>MM/DD/YYYY</i>
Position Title	Chief of Police <hr/> <i>For City Staff Only</i>		
Agenda Location:	Annual Report and Racial Profile Report <hr/> <i>(e.g.: Consent Agenda/ Discussion Item/ Public Hearing/ Executive Session/ Presentation)</i>		

Agenda Content:

DISCUSS, CONSIDER, AND/OR APPROVE

PD ANNUAL REPORT

Executive Summary of Item:

Bay City Police Department 2022 Annual Report

<i>*Statistical Information:</i>	<u>2021</u>	<u>2022</u>
<u>Calls For Service</u>		
911 Calls	10,003	11,212
Total Calls for Service	33,973	28,152
<u>Traffic</u>		
Contact Stops	8,933	4,373
Accidents	481	427
Injuries	128	83
Fatalities	1	2
Written Citations	1,642	1,091
Written Warnings	7,846	3,836
<u>Arrest</u>		
Adult	1019	908
Juveniles	51	36
Total	1070	944
<u>Warrants</u>		
Total Received	1,113	1,224
Total Served	445	1,008
<u>Uniform Crime Index</u>		
Criminal Homicide	1	1
Sexual Assault	25	8
Robbery	5	11
Aggravated Assaults	46	47
Simple Assaults (non-UCR Reportable)	585	370
Burglary	97	91
Larceny	384	470
Motor Vehicle Theft	37	25

*Statistical Information-Continued:

20212022**Family Violence**

Officer Responses	292	233
Arrest	106	85

Special Response Team (SRT)

Call-outs	3	7
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Animal Control

Live Animals Picked Up	599	553
Dead Animals Picked Up	102	88
Animal Welfare Calls	111	100
Total Calls for Service	1,954	2,177

Training

Total out of town hours	2,356	1,556
Total BCPD contact hours	5,250	1,583
Total Department Training Hours	7,606	3,139

TCLEOSE Certifications

Peace officer	0	3
Basic Peace Officer	11	9
Intermediate	6	5
Advanced	4	6
Master	16	14
Instructor	8	12
Advance Instructor	1	0
F.T.O.	36	34
S.F.S.T.	26	16
Mental Health	8	9
Firearms Inst.	2	4
Crime Prevention Spl.	1	1
Intoxilyzer Opr.	4	4
Inter. Crash Inv.	6	2
Advance crash Inv.	1	1
Inv. Hypnotist	1	0

*Statistical Information-Continued:

20212022**Communications**

Temp. Telecommunications	1	4
Basic Telecommunications	1	0
Intermediate Telecommunications	1	1
Advance Telecommunications	5	4
Master Telecommunications	5	3

Investigations

Cases Assigned for Investigation	2,657	2,436
CPS Referrals	357	342
APS Referrals	24	27

Crime Prevention

Crime Prevention hours	92	62
Community Presentations	23	23

Crime Victim's Liaison Division

Victim's Served	1,095	852
Crime Victim's Compensation Applications Served	36	26
Crime Victim's Compensation payouts to Victims	\$122,933	\$104,361

Mental Health

Total Calls	95	80
Transports	67	66

Juveniles

Transports	11	5
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*Statistical Information-Continued:

20212022**Narcotic & Weapon Related Statistics**

Narcotic Division Cases	65	78
Patrol & Inv. Division Narcotic cases	94	192
Total Narcotic Cases	159	<u>total 270</u>
Narcotic Division Arrest	19	89
Patrol & Inv. Division Narcotic Arrest	126	109
Total Narcotic Arrest	145	<u>total 198</u>
Narcotic Division Vehicles Seized	6	6
Narcotic Division Money Seized	\$70,849	\$11,336
Patrol & Inv. Division Money Seized		\$ 3,775
Total Money Seized on Narcotic related cases		<u>total \$15,111</u>
Narcotic Division Firearms Seized	5	6
Patrol & Inv. Division Firearms Seized		95
Total Guns		<u>total 101</u>
<u>Special Operations</u>		
Total Special Police Operations Initiated	3	3
<u>Dealing with the Homeless</u>		
Calls for Service	53	50

Racial Profiling Report | Full

ITEM #4.

Agency Name: BAY CITY POLICE DEPT.
Reporting Date: 02/13/2023
TCOLE Agency Number: 321201

Chief Administrator: CHRISTELLA RODRIGUEZ

Agency Contact Information:
Phone: (979) 245-8500
Email: crodriguez@cityofbaycity.org

Mailing Address:
2201 AVENUE H
BAY CITY, TX 77414

This Agency filed a full report

BAY CITY POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the BAY CITY POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the BAY CITY POLICE DEPT. if the individual believes that a peace officer employed by the BAY CITY POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the BAY CITY POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the BAY CITY POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The BAY CITY POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c),

Code of Criminal Procedure during the reporting period.

ITEM #4.

Executed by: IRENE R. KJERGAARD
LIEUTENANT

Date: 02/13/2023

Total stops: 4306

Street address or approximate location of the stop

City street	3723
US highway	0
County road	5
State highway	532
Private property or other	46

Was race or ethnicity known prior to stop?

Yes	79
No	4227

Race / Ethnicity

Alaska Native / American Indian	8
Asian / Pacific Islander	27
Black	844
White	1882
Hispanic / Latino	1545

Gender

Female	1645
Alaska Native / American Indian	5
Asian / Pacific Islander	10
Black	324
White	774
Hispanic / Latino	532
Male	2661
Alaska Native / American Indian	3
Asian / Pacific Islander	17
Black	520
White	1108
Hispanic / Latino	1013

Reason for stop?

Violation of law	151
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	47
White	43

Hispanic / Latino	61
Preexisting knowledge	99
Alaska Native / American Indian	1
Asian / Pacific Islander	1
Black	15
White	32
Hispanic / Latino	50
Moving traffic violation	2829
Alaska Native / American Indian	6
Asian / Pacific Islander	23
Black	514
White	1284
Hispanic / Latino	1002
Vehicle traffic violation	1227
Alaska Native / American Indian	1
Asian / Pacific Islander	3
Black	268
White	523
Hispanic / Latino	432
Was a search conducted?	
Yes	184
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	60
White	54
Hispanic / Latino	70
No	4122
Alaska Native / American Indian	8
Asian / Pacific Islander	27
Black	784
White	1828
Hispanic / Latino	1475
Reason for Search?	
Consent	31
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	12
White	11

Hispanic / Latino	8
Contraband	11
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	1
Hispanic / Latino	7
Probable	101
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	34
White	29
Hispanic / Latino	38
Inventory	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	1
Hispanic / Latino	1
Incident to arrest	37
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	9
White	12
Hispanic / Latino	16
Was Contraband discovered?	
Yes	137
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	15
White	12
Hispanic / Latino	13
No	47
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	5
White	11
Hispanic / Latino	16

Did the finding result in arrest?		
(total should equal previous column)		
Yes	0	No 0
Yes	0	No 0
Yes	12	No 3
Yes	10	No 2
Yes	12	No 1

Description of contraband	
Drugs	95
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	21
White	24
Hispanic / Latino	24
Weapons	15
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	8
White	1
Hispanic / Latino	5
Currency	5
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	4
Alcohol	14
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	7
White	1
Hispanic / Latino	6
Stolen property	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	1
Hispanic / Latino	1
Other	6
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	2
Hispanic / Latino	2
Result of the stop	
Verbal warning	7

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	4
Hispanic / Latino	1
Written warning	3442
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	2
Citation	720
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	164
White	281
Hispanic / Latino	274
Written warning and arrest	21
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	9
Hispanic / Latino	8
Citation and arrest	6
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	1
Hispanic / Latino	4
Arrest	110
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	29
White	29
Hispanic / Latino	52
Arrest based on	
Violation of Penal Code	94
Alaska Native / American Indian	0
Asian / Pacific Islander	0

Black	26
White	29
Hispanic / Latino	39
Violation of Traffic Law	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	3
Violation of City Ordinance	1
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	1
White	0
Hispanic / Latino	0
Outstanding Warrant	38
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	8
White	11
Hispanic / Latino	15

Was physical force resulting in bodily injury used during stop?

Yes	5
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	1
Hispanic / Latino	1
Resulting in Bodily Injury To:	
Suspect	5
Officer	3
Both	0
No	4301
Alaska Native / American Indian	8
Asian / Pacific Islander	27
Black	840
White	1881
Hispanic / Latino	1545

Number of complaints of racial profiling

Total	37
Resulted in disciplinary action	1
Did not result in disciplinary action	36

Comparative Analysis

- Use TCOLE's auto generated analysis
- Use Department's submitted analysis

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement



Concept rendering of proposed harbor expansion

Matagorda Harbor Development

Residents of Matagorda have long enjoyed low-key country living and are proud of their productive local farms and abundant opportunities for outdoor recreation. A great quality of life is hard to keep secret, so news of Matagorda's bounty is spreading, and its economic potential is skyrocketing. In 2022, three companies committed to multibillion-dollar investments in Matagorda County that will bring jobs and energy to this tranquil coastal community.

In anticipation of continued growth in Matagorda County, the Port of Bay City Authority (Port) proposes the Matagorda Harbor Development Project—a 200-acre recreational complex on Port-owned property. The project would increase recreational and educational opportunities for residents and visitors, and the construction and operation of the project are expected to increase jobs and economic activity. The Port seeks to attract private developers to construct and operate complementary businesses.

Construction Phase

\$148M
Total Economic Activity

\$32M
Labor Income

+575
Jobs

Long-Term Operations

\$57M
Total Economic Activity/Year

\$15M
Labor Income/Year

+456
Jobs



Questions? Contact George Harrison, Port of Bay City Authority Chairman, (979) 478-1234



Figure is not to scale.

Connecting Community to Opportunity

The proposed Matagorda Harbor Development Project is the result of a collaborative process involving the Port, local elected officials, government staff, and members of the public.

With input from public meetings in 2022, the Port's project vision includes the following features:

- Recreational harbor expansion encompassing 28 acres
- 100 floating temporary mooring docks and 90 covered long-term boat slips
- RV park with 50 pads and a bathhouse
- Four boat ramps, a fish cleaning station, and a public restroom
- Two public fishing piers
- A fairground area and community center supporting vendors and festivals
- A public park with a playground, picnic areas, and a public restroom
- Gravel and elevated timber walking paths with educational signage
- Four viewing platforms for observing local birds and wildlife
- Facilities for youth camps, school field trips, and other educational activities
- A welcome center, access roads, footpaths, parking areas, and related infrastructure
- Utilities for expected future development such as a hotel, restaurants, and retail shops



Concept rendering of proposed recreational park and walking trails

Please copy and paste the below onto your organization's letterhead

Date

The Honorable Pete Buttigieg
 Secretary, U.S. Department of Transportation
 1200 New Jersey Avenue, SE
 Washington, D.C. 20590

RE: RAISE Grant Letter of Support for the Matagorda Rising: Connecting Community to Opportunity Project

Dear Secretary Buttigieg,

On behalf of **NAME OF ORGANIZATION**, I/we am/are pleased to support the Port of Bay City Authority's application for a U.S. Department of Transportation Rebuilding American Infrastructure with Sustainability and Equity (RAISE) grant for the Matagorda Rising: Connecting Community to Opportunity Project in Matagorda, Texas.

Matagorda, traditionally a small and sleepy town, is seeing rapid population growth based on commitments from several large industries to build facilities nearby. This rural, historically disadvantaged, and unincorporated community is largely dependent on agriculture and recreational tourism and is, therefore, unprepared to provide expanded transportation capacity and opportunity for existing residents, new residents, and visitors. **XXX Please provide a few sentences in your own words that also introduce Matagorda and its need for Matagorda Rising. XXX.**

Matagorda Rising will provide the following benefits to the community:

- Safer automobile, bicycle, and pedestrian transportation corridors
- Environmental sustainability with reduced emissions, improved resilience, and habitat restoration
- Increased quality of life through multiuse transportation and recreation facilities that promote nature-based activities and improve public health
- Improved mobility and community connectivity by planning multimodal transportation routes to the project
- Enhanced economic competitiveness and opportunity by creating jobs and attracting tourists
- A state of good repair for a currently deteriorating road
- Partnership and collaboration through planning with organizations in Matagorda to promote safe and efficient transportation, job growth, affordable housing, healthy food options, and recreation
- Innovation through the first electric vehicle charging station in Matagorda and the only charging station within 22 miles

XXX A few sentences on how else Matagorda Rising would benefit you, your organization, and/or the region. Where possible, please focus on safety, quality of life, environmental sustainability, mobility and community connectivity, economic competitiveness and opportunity (including tourism), and partnership and collaboration, because these are the criteria upon which the grant application is based. XXX.

I or NAME OF ORGANIZATION applauds the Port of Bay City Authority and the other Matagorda Rising partners for their initiative to advance the proposed project and recognize its necessity and the positive impact it will have on the historically disadvantaged community. I or NAME OF ORGANIZATION is/am willing to participate in public meetings, the planning process, and other activities to help support Matagorda Rising to provide the most community-beneficial project possible.

Sincerely,

Name

Title

Organization

Discuss, consider, and/or approve awarding the bid to K.B. Electric, LLC for the Hardeman Park Soccer Lighting Project and authorize the City Manager to execute a contract to form by the City Attorney.



Executive Summary

American Rescue Plan Act Project- Soccer Field Lighting Project

BACKGROUND:

City Council awarded the civil engineering contract to Lynn Engineering, LLC.

City Council approved the Hardeman Park Lighting Project to be funded by the American Act Rescue Funds during last budget. The original quote involved fewer lights covering a smaller area.

FINANCIAL IMPLICATIONS:

\$452,200- Funding Source – American Rescue Plan Funds- no funds will be expended from the General Fund

RECOMMENDATION:

Staff recommends City Council award the bid to K.B. Electric, LLC to include new lighting and security lights at Hardeman Field for a total \$452,200.

ATTACHMENTS: Recommendation Letter by John D. Mercer, Lynn Engineering & Bid Tabulation

March 7, 2023

City of Bay City
Attn: Robert Nelson, Mayor
1901 5th St.
Bay City, TX 77414

Re: RECOMMENDATION FOR AWARD
City of Bay City
Hardeman Park Soccer Field Lights Project

Dear Mayor Nelson:

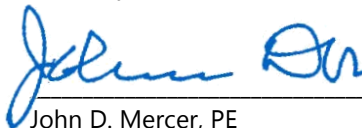
On March 2, 2023, bids were received for the above referenced project. Six bids were received and the itemized bid tabulation is attached for your consideration. The lowest bid for the work was submitted by SA Smart Solutions of San Antonio, Texas with a total base bid of \$350,000. The second lowest bid was submitted by K. B. Electric, LLC with offices in Shawnee, Oklahoma with a base bid of \$434,000, a difference of \$84,000.

The project was designed for installation of poles and fixtures as manufactured by MUSCO Sports Lighting. Alternative equipment was only to be allowed if pre-approved by the Engineer. The lowest bidder did not get alternative equipment approved and my contacts with MUSCO indicated that SA Smart Solutions was not given a quote for the project. SA Smart Solutions did not initially complete their qualification statement to my satisfaction and upon my request they provided some additional information. Their qualifications statement did not reflect any experience with similar projects of sports lighting and they have never worked with MUSCO on any lighting project. I do not feel comfortable in recommending award to SA Smart Solutions for the reasons mentioned above.

The second lowest bidder, K. B. Electric, LLC has installed a number of sports lighting facilities that utilize MUSCO fixtures, as verified by MUSCO. Most of their work has been in the State of Oklahoma and they are trying to branch out into Texas. My MUSCO contact did not hesitate to recommend K. B. Electric, LLC. Therefore, it is my recommendation to award the project to K. B. Electric, LLC based on their base bid of \$434,000. Should the City desire to include installation of security lights, which was bid as an additive alternate, the total contract amount to award will be \$452,200.

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

Sincerely,



John D. Mercer, PE
John.mercer@lynnengineering.com



JDM/lm

Attachment

N:\Civil\ENGINEER\E2500s\E2589 BAY CITY Soccer Field Lights\Bid Phase\Rec for Award.docx

City of Bay City - Hardeman Park Soccer Field Lights Project
Bid Tabulation - March 2, 2023 | 2:00 PM

Days	Description	Quantity	Units	SA Smart Solutions	KB Electric, LLC	CSE W-Industries, Inc.	Liteco Electric, Inc.	McDonald Municipal & Industrial	F&W Electrical Contractors	
				60	120	120	80	139	120	
				Lump Sum Price	Lump Sum Price	Lump Sum Price	Lump Sum Price	Lump Sum Price	Lump Sum Price	
Base Bid										
1	Mobilization / Demobilization	1	LS	\$ 141,252.00	\$ 16,800.00	\$ 20,000.00	\$ 24,000.00	\$ 25,000.00	\$ 35,000.00	
2	Musco poles, lights, and controller	1	LS	\$ 182,400.00	\$ 320,000.00	\$ 281,064.00	\$ 319,086.00	\$ 304,000.00	\$ 556,250.00	
3	Main disconnect and meter	1	LS	\$ 6,000.00	\$ 8,100.00	\$ 10,000.00	\$ 4,000.00	\$ 10,000.00	\$ 25,000.00	
4	Electrical rack	1	LS	\$ 3,000.00	\$ 19,500.00	\$ 3,000.00	\$ 30,989.00	\$ 3,000.00	\$ 41,000.00	
5	All conduit, wiring, pull boxes and circuit ter	1	LS	\$ 12,348.00	\$ 60,000.00	\$ 142,505.00	\$ 84,833.00	\$ 203,969.00	\$ 135,250.00	
6	Chain link fence	1	LS	\$ 5,000.00	\$ 9,600.00	\$ 2,600.00	\$ 5,360.00	\$ 2,500.00	\$ 7,500.00	
Subtotal				\$ 350,000.00	\$ 434,000.00	\$ 459,169.00	\$ 468,268.00	\$ 548,469.00	\$ 800,000.00	
Additive Alternate										
A1	1-900 wt Security light fixture on Pole 1, Pole 3 and on Pole 4 including 1-60A Breaker in distribution panel, wire from pull box to fixture and circuit terminations	1	LS	\$ 19,791.00	\$ 18,200.00	\$ 21,000.00	\$ 11,554.00	\$ 26,000.00	\$ 43,000.00	
Grand Total				\$ 369,791.00	\$ 452,200.00	\$ 480,169.00	\$ 479,822.00	\$ 574,469.00	\$ 843,000.00	

Ordinance ~ Discuss, consider, and/or approve an Ordinance of the City of Bay City, Texas adopting a "Budget Amendment #1" to the "Annual Budget of the City of Bay City, Texas, for the Fiscal Year 2023"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.



EXECUTIVE SUMMARY

BUDGET AMENDMENTS

BACKGROUND: The legal level of budgetary control for the City of Bay City lies at the departmental level. Any revisions that alter the amount of total expenditures/expenses of the department must be approved by City Council.

FINANCIAL IMPLICATIONS: Amending the budget provides a revised parameter for the budget.

RECOMMENDATION: Staff recommends City Council approve the budget amendments as presented.

ATTACHMENTS: Ordinance and Budget Amendments

BUDGET AMENDMENT

ITEM #7.

FUND: General Fund Date: 2/28/2023

- Reason for Budget Amendment: (Please indicate)
- _____ 1. New revenues (originally unbudgeted) are available.
- _____ 2. Actual revenues (originally unbudgeted) have exceeded the original adopted budget.
- _____ 3. A new project, program or special expenditure has been authorized.
- X 4. Transfer reclassification of original adopted budget to realign budget to actual transaction activity as presently needed.

Brief Description of Request: FY2023: General Fund- Various

Account Description	Fund #	Account #	Expenditure Increase or Revenue Decrease		Notes
			Debit	Exp. Decrease or Rev. Increase	
					Parks
R & M- Infrastructure	11	180-4520	\$ 50,000		
Grants- Various Sources	11	3633		\$ 50,000	Grant- LCRA
					Parks
CE- Infrastructure	11	180-4620	\$ 152,000		Repair/Replace Field Light Poles
Insurance Claims	11	3693		\$ 152,000	Sports Complex - Windstorm Reimb.
					Police
R & M - Vehicles	11	150-4510	\$ 9,000		Insurance Claim- PD Radar Unit
Interest Income	11	3605		\$ 9,000	
					Police
CE- Vehicles	11	150-4615	\$ 28,000		Replaces PD Unit #898
Other Income - Police	11	3697		\$ 18,000	Proceeds from Forfeiture Fund
Interest Income	11	3605		\$ 10,000	Insurance Proceeds from prior year
					Public Works
CE- Vehicle	11	175-4615	\$ 36,000		Replaces PW Unite #925
Insurance Claims	11	3693		\$ 36,000	
					Recycling Center
Misc. Furniture & Equip	11	170-4498	\$ 8,000		4 self dumping hoppers
Grants- Various Sources	11	3633		\$ 8,000	HGAC Grant

The amendments above relate to the following:

TOTAL	\$ 283,000.00	\$ 283,000.00
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Dept. Head Signature: _____ Date: 3-8-23

Finance Director Signature: _____ Date: _____

City Manager: _____ Date: _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ADOPTING A "BUDGET AMENDMENT #1 TO THE "ANNUAL BUDGET OF THE CITY OF BAY CITY, TEXAS, FOR THE FISCAL YEAR 2023"; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

WHEREAS, by Ordinance No. 1696, the City of Bay City, Texas, adopted its "Annual Budget" for Fiscal Year 2023;

WHEREAS, the City Council has determined the revenues and/or reserves are available for supplement appropriation and/or transfer of certain funds interdepartmentally is economically feasible and in the best interest of prudent budgeting; and

WHEREAS, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2023; now, therefore,

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

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby to be true and correct.

Section 2. The "Annual Budget" of the City of Bay City, Texas, for the Fiscal Year 2023, is hereby amended as shown on "Budget Amendment #1" to the Original Budget of the City of Bay City, Texas, for the Fiscal Year 2023, attached hereto. These amendments are for municipal purposes. Said Budget Amendment shall be attached to and made a part of such Annual Budget by the City Secretary and shall be filed as required by state law, a true ad correct copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes.

Section 3. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held constitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bay City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or constitutional, whether there be one or more parts.

[SIGNATURE PAGE FOLLOWS]

PASSED AND APPROVED on first and final reading this 14th day of March 2023.

CITY OF BAY CITY, TEXAS

Robert K. Nelson, Mayor

ATTEST:

APPROVED as to FORM:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Brad Westmoreland	_____	_____	_____
Blayne Finlay	_____	_____	_____
Floyce Brown	_____	_____	_____
Becca Sitz	_____	_____	_____
Jim Folse Mayor Pro-Tem	_____	_____	_____

Robert K. Nelson, Mayor

ATTEST:

APPROVED AS TO FORM AND SUBSTANCE:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney

~Discuss, consider, and/or approve allocating funds for building repairs of the Whitson Street facility leased by Economic Action Committee



EXECUTIVE SUMMARY- EAC Building Repairs

Background:

On April 27, 2021, Kristie Pustejovsky addressed Council regarding the condition of the City building that serves the City and County Senior Citizens. There was also discussion of donating the building so EAC could apply for grants. No action was taken.

On May 11, 2021 the City Council approved up to \$40,000 for Interior Improvements.

The current request is to repair doors (3) and ductwork. The ductwork was damaged due to roof leak.

Per lease agreement:

SECTION VIII

Repairs, Maintenance, and Alternations

Lessee, at its expense, shall maintain and keep the premises, including without limitation, windows, doors, interior walls, all equipment including, but not limited to, air conditioning, heating and plumbing in good repair. The Lessee shall also be responsible for keeping the parking area clean and neat. All plumbing and electrical maintenance shall be Lessee's responsibility. **The Lessor shall maintain in good condition the building, roof, and exterior walls.** No alterations in the premises shall be made by Lessee without the express written consent of Lessor.

Financial Implications: General Fund \$10,378

Recommendation: Accept quote from Ramstone- \$6,428 to replace and install doors; Approve up to \$3,950 to replace and install new ductwork

Attachments: Quotes for doors; Quotes for duct work



"Excellence in Building the Future & Restoring the Past"

Jason P. Rahaim

979-479-2880

jason@ramstoneconstruction.com

2724 Encino Ave. Bay City, TX 77414

CONSTRUCTION ESTIMATE FOR	
Economic Action Committee 904 Whitson St Bay City, TX 77414	
PROJECT DESCRIPTION	
EAC Door Replacements	
SCOPE OF WORK	TOTALS
Labor & Install Materials & Dispose of Existing Materials	
NORTH DOORS - GREY	
2 - 3070 18 GA CECO ME WEDGE FILLE PLATES	
2 - EXIT DEVICES 2200 EO 36 - ALUM EXIT ONLY OUTSIDE TRIM	
2- BX HINGES TBH 30 4.5 X 4.5 NRD 26D	
2- SWEEPS 101V X 36" ALUM + VINYL	
SOUTH DBL DOORS	
1 - WEATHERSTRIP 160V 72X84 ALUM	
1 - EXIT DEVICE 4400 EO 36, 26D W THP4400 OUTSIDE TRIM	
2 - PGS 84" X 1/2 3/8" ADHESIVE FOAM WS FOR MULLION	
2- FLOOR DOOR STOP HDFDSH66 HOLD OPEN 26D	
KITCHEN DOOR	
1 - 3670 CECO FLUSH CY DOOR	
1BX - HINGES TBH 30 A.5 X A.5 NRP 26D	
1 - SWEEP 101V X 48" ALUM CUT TO SIZE	
1- WEATHERSTRIP 160V 72 X 84 SET CUT TO SIZE	
1 - LOCK SLOO KEYED LEVER 26A	
1 - KICKDOWN HOLD OPEN SBDH5 26D	
PROJECT COST	\$6,428.00

Doors

5301 N. John Stockbauer
Victoria, TX 77904



Phone (361) 572-8929
Fax (361) 572-8992

PROPOSAL SUBMITTED TO: SENIOR CITIZENS BLDG	PHONE # 979 332-0630	FAX #	DATE 1-31-23
ATTENTION: CHRISTY PUSTEJOVSKY	JOB NAME: SAME		
ADDRESS: 904 WHITSON	JOB LOCATION: BAY CITY, TX		

WE PROPOSE TO FURNISH THE FOLLOWING:	AMOUNT
NORTH DOORS - GREY	
2 - 3070 18 GA CEED ME WEDGE FILLER PLATES A15	830.00
2 - EXIT DEVICES 2200 EO 36 - ALUM EXIT ONLY NO OUTSIDE TRIM ¹⁸⁰	360.00
2 - BX HINGES TBH 30 4.5 X 4.5 NRP 2GD 26	52.00
2 - SWEEPS 101V X 36" ALUM + VINYL 22	44.00
SOUTH DBL DOORS	
1 - WEATHERSTRIP 160V 72X84 ALUM	62.00
1 - EXIT DEVISE 1400 EO 36, 2GD W THP 4400 OUTSIDE TRIM	595.00
2 - PGS 84" X 1/2" / 3/8" ADHESIVE FORM WS FOR MULLION	21.00
2 - FLOOR DOOR STOP HD FDSH 66 HOLD OPEN 2GD	96.00
	52.00
KITCHEN DOOR	
1 - 3670 CEED FLUSH CY DOOR	995.00
1 BX - HINGES TBH 30 4.5 X 4.5 NRP 2GD	26.00
1 - SWEEP 101V X 48" ALUM CUT TO SIZE	28.00
1 - WEATHERSTRIP 160V 72X84 SET CUT TO SIZE	62.00
1 - LOCK 5600 KEYPED LEVER 2GD	175.00
1 - KICKDOWN HOLD OPEN SBDH5 2GD	27.00
CONTINUED	

Openings are to be prepared by others in accordance with our specifications. And all electrical work to be done by others, including conduit. The above price does not include painting, hardware or delivery unless noted. VBS is not responsible for delivered items when client is not present to receive and sign for delivery. Clients must notify VBS within 24 hours of delivery or installation of damage shortage, or other concerns. Price subject to change, proposal good for 30 days. Agreements are contingent upon strikes, accidents or other conditions beyond our control. We carry Manufacturers, Contractors, and Employers Liability and Workman's Compensation Insurance. A 50% Deposit is required to begin an order, the balance is due upon acceptance of materials. No returns on special order items.

Authorized Signature *Dan Gorfido*
Dan Gorfido
ybsdan@suddenlinkmail.com

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Authorized Signature _____
Authorized Signature _____

Date of Acceptance _____

Doors

EAC doors

ITEM #8.

BRIDGES DEVELOPMENT GROUP, LLC.



OWNER INFORMATION

Name Bay City Economic Action Committee
 Address 904 Whitson St
 City, State ZIP Bay City Texas
 Phone
 Email sjones@cityofbaycity.org
 Project name Economic action committee building

CONTRACTOR INFORMATION

Company Bridges Development Group, LLC.
 Name Tyler Bridges
 Address 7915 Kathryn Rd
 City, State ZIP Needville, Tx 77461
 Phone 979-257-9907
 Email Tyler@BridgesDG.com
 Completion Time 3 days

SCOPE OF WORK

Material and labor included. Exterior door #1: we will replace open/close mechanism for each door, new hinges for each door (6), new door sweeps and weather stripping for each door is included. Also included 2 Door holds. Exterior door #2: Remove and replace existing doors 36" included door stops, open closing mechanisms etc. Kitchen Door: Remove and replace 42" door included door holds door sweeps weather stripping etc. Entrance door: Remove and install (1) new 36" door to match existing as best as possible includes door stop etc.

NOT INCLUDED/CLARIFICATIONS(Pg.2)

Electricity provided onsite, plumbing, electrical, hvac, anything not included in the scope of work. Repair/replace existing opening closing locking internals not included but a contingency is on bid

COMPANY PROPOSAL

We, Bridges Development Group, LLC., propose the above scope of work, to be completed within (3) Days (*weather permitting*) for the amount of

\$24,519.00

02/14/23

Submitted by (Company Representative)

Date

Terms of Payment: Sent Upon Award

OWNER ACCEPTANCE

Pricing Valid for 10 days

I, _____, do accept the above scope of work, proposed to be completed for the amount of \$24,519.00

Submitted by (home owner or authorized representative)

Date

Doors

Frontz Electrical Mechanical Service Inc.

"Quality Service"

3421 6th St.
P. O. Box 2252
Bay City, Texas 77404



(979) 245-7796 ofc
(979) 245-2218 fax
frontz@sbcglobal.net

TECL33369
ELECTRICAL CONTRACTOR

Diego Gonzalez
William W. Frontz

TACL57343C
MECHANICAL CONTRACTOR

December 6, 2023

Economic Action Committee
904 Whitson
Bay City, TX

After servicing the systems we found one 5-ton compressor shorted and the duct work for the main room is falling apart.

To change out the 5-ton compressor the cost is \$2,415 which includes all material and labor. New compressor has a 1-year warranty.

To change out the ductwork for the twined units the cost is \$3,950. This includes all new duct work, flex duct, grills and labor.

Price includes material and labor.

Payment is due in full within 15 days of invoice.

Thank you for your consideration. This quote is good for 15 days. Please call our office for any further questions or information.

Diego Gonzalez

Regulated by The Texas Department of Licensing and Registration

P. O. Box 12157, Austin, TX 78711, 1-800-803-9202, 512-463-6599;
website: www.license.state.tx.us/complaints

Ductwork

Cannell Air Conditioning & Heating

Phone: 979.543.6485; Fax: 979.543.6793; Email: james@cannellair.com; web: www.cannellair.com
1006 East Jackson; PO Box 1238 El Campo, Texas 77437

Economic Action
904 Whitson St
Bay City, TX

Diagnostic

We found the duct above the ceiling collapsed due to water damage. The duct should be replaced based on the damage found. We also found the compressor was shorted to ground on one of the condensing units and it needs to be replaced. We included quotes below.

Quote Duct work

Remove existing duct work above lay in ceiling and in closet. Install new supply duct with new ceiling grilles and a new supply plenum. \$7,587

Quote Compressor

We will reclaim refrigerant, remove old compressor, install new compressor with new filter drier, pull vacuum, charge system, and start up unit. \$987

James Cannell
James Cannell

Ductwork



McDonald A/C & Heat
 221 Ave F
 Bay City, TX 77414
 979-244-2428 license # TACLB27171E
www.mcdonaldacandheat.com

Date: Jan 11, 2023
 Reason for Call: Proposal for ductwork/Compressor replacement
 Work Order #: 30111094433
 Assigned To: Keith McDonald
 Status: new

WORK ORDER

Kristie - Economic Action Committee
 904 Whitson
 Bay City
 979-332-0630
 eac-kpustejevsky@att.net

Repairs:

- 026924 INSTALL WARRANTY COMPRESSOR * MECH FAILURE \$735.65
- 070949 GOODMAN-AMANA LOW PRESSURE SWITCH \$122.67
- 068878 R-410A REFRIGERANT * 14 LB \$924.50

Main area system: Removal of old ductwork. Replacing the complete supply duct system, supply grille's, hanging all ductwork. ↙

Subtotal	\$10,371.82
Tax	\$855.68
Total	\$11,227.50

Duct work

ITEM #8.