



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, July 25, 2023 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K Nelson

Mayor Pro Tem: Blayne Finlay

Council Members: Benjamin Flores, Bradley Westmoreland, Becca Sitz, Jim Folsie

Vision Statement

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

AGENDA

THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:

ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).

CALL TO ORDER AND CERTIFICATION OF QUORUM

INVOCATION & PLEDGE

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

Councilman Bradley Westmoreland

MISSION STATEMENT

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

Councilman Bradley Westmoreland

APPROVAL OF AGENDA**PUBLIC COMMENTS**

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

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

- 1. City Council Workshop Meeting minutes of June 6, 2023.**
- 2. City Council Workshop Meeting minutes of July 11, 2023.**
- 3. City Council Regular Meeting minutes of July 11, 2023.**
- 4. Accounts Payable, Direct Payable and Utility Refunds for April, May, and June 2023**

DEPARTMENT REPORTS

- 5. Municipal Court 2nd Fiscal Quarter update - Katy Plunkett, Court Administrator**
- 6. Day of The Dead Festival update - Darve Smith, Tourism Manager**
- 7. Library Quarterly Report and Updates. Samantha Denbow, Library Director**
- 8. Public Works Reports and Updates. Krystal Mason, Assistant Public Works Director**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 9. Appointment ~ Discuss, consider, and/or approve the appointment of Candice L. Brown and Abigail R. Coates to the Public Housing Authority. Robert K. Nelson, Mayor**
- 10. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending the City Code of Ordinances relating sections of Chapter 38, Article V "Noise" including sections shown on the attached "Exhibit A"; providing for penalties; providing an effective date. Edward Guzman, Police Lieutenant**
- 11. Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Matagorda County providing for repairs of certain length of 12th street. Scotty Jones, Finance Director**
- 12. Report ~ Discuss, consider, and/or approve the City's Quarterly Financial and Investment Report for the quarter ending June 30, 2023. Scotty Jones, Finance Director**

- 13. Bid Rejection ~ Discuss, consider and/or reject bid submitted by Matula & Matula Construction Inc. for the Hardeman Park Soccer Field Light Light Poles Project.** Scotty Jones, Finance Director

CLOSED / EXECUTIVE SESSION

- 14. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**

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, July 21, 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 • JUNE 06, 2023

COUNCIL
CHAMBERS | 1901
5th Street

City Council Workshop - Goal Visioning

5:00 PM

1901 5TH STREET
BAY CITY TX,77414



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilman

Benjamin Flores

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 5:00 pm.

CERTIFICATION OF QUORUM

Quorum certified.

PRESENT

Mayor Robert K. Nelson
 Councilman Benjamin Flores
 Mayor Pro Tem Jim Folse
 Councilwoman Becca Sitz
 Councilman Blayne Finlay

ABSENT

Councilman Brad Westmoreland

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL**1. Discussion - review and discuss City Strategic Plan and goals**

Shawna Burkhart facilitated the workshop. A sixth pillar of “Superior Municipal Services” was suggested. Councilman Flores asked to merge pillars “governance” and “superior municipal services”; and realign items. A need to improve the city’s image and improve communication was discussed and to add a public information officer.

Other goals discussed:

Implement an interactive work order app that is more citizen driven.

Create an Emergency Management position for the city.

Determine community aquatic needs with or without partnerships.

Streamline permit process.

Achieve 3 different areas of the city to improve looks and invest in.

Partner with Bay City ISD and Wharton County Junior College for trade school.

Rail Road Quiet Zone.

ADJOURNMENT

Motion made by Councilwoman Sitz to adjourn, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilman Flores, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried and the meeting adjourned at 6:02 pm.

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

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

JEANNA THOMPSON
 CITY SECRETARY

CITY OF BAY CITY

MINUTES • JULY 11, 2023

COUNCIL
CHAMBERS | 1901
5th Street

City Council Workshop - Budget

5:00 PM

1901 5TH STREET
BAY CITY TX,77414



Mayor

Robert K. Nelson

Mayor Pro Tem

Blayne Finlay

Councilman

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilman

Benjamin Flores

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CALL TO ORDER

The meeting was called to order by Mayor Robert K. Nelson at 5:03 pm.

CERTIFICATION OF QUORUM

Quorum certified.

PRESENT

Mayor Robert K. Nelson
Councilman Benjamin Flores
Councilman Jim Folse
Councilwoman Becca Sitz
Mayor Pro Tem Blayne Finlay

ABSENT

Councilman Brad Westmoreland

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL

- 1. Receive and discuss the Bay City Hotel/Motel Budget Proposal for the 2024 Fiscal Year.**

Scotty Jones, Finance Director, presented the Hotel/Motel budget consisting of restricted hotel tax revenue. Mitch Thames, Chambers of Commerce President, reviewed the Civic Center budget which included parking lot repairs. Shawna Burkhart, City Manager, reviewed the Tourism budget.

- 2. Receive and discuss the Budget Proposal from Other Organizations for the 2024 Fiscal Year.**

Scotty Jones, Finance Director, reviewed the budget proposals from other organizations correcting the entry under Museum from \$50,000 to \$60,000. Ms. Jones added that the Museum funding is split; 50% from General Fund and 50% from Hotel/Motel tax fund. Economic Action Committee building is needing exterior repairs.

ADJOURNMENT

Motion made by Mayor Pro Tem Finlay to adjourn, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Councilman Flores, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried and council adjourned at 6:20 pm

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

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • JULY 11, 2023

COUNCIL
CHAMBERS | 1901
5th Street

City Council Regular Meeting

6:00 PM

1901 5TH STREET
BAY CITY TX,77414



Mayor

Robert K. Nelson

Mayor Pro Tem

Blayne Finlay

Councilman

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilman

Benjamin Flores

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CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Robert K. Nelson at 6:25 pm.

PRESENT

Mayor Robert K. Nelson
 Mayor Pro Tem Jim Folse
 Councilwoman Becca Sitz
 Councilman Blayne Finlay
 Councilman Benjamin Flores

ABSENT

Councilman Brad Westmoreland

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

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Mayor Pro Tem Jim Folse

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

There were no public comments.

ACKNOWLEDGEMENT FROM CITY MANAGER

There were no acknowledgements.

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

Councilman Folse commended Wesley and his team on their work on potholes. Councilman Flores requested council to consider getting rid of single use plastics by the city and setting an example to citizens.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

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

1. **City Council Regular Meeting minutes of June 13, 2023.**
2. **City Council Workshop Meeting minutes of June 13, 2023.**
3. **City Council Workshop Meeting minutes of June 15, 2023.**
4. **City Council Regular Meeting minutes of June 27, 2023.**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

5. **Award ~ Recognition of Angel Lee Chavez and his courage to take life saving action.**

Christella Rodriguez, Chief of Police, presented a Chief's Coin and Mayor Nelson presented a Certificate of Bravery to Angel Chavez for rescuing his family from a vehicle involved accident.

6. **Public Works~ Discuss CWSRF and DWSRF loan. D**

Dan Olsen, Garver, provided council with project updates as well as funding updates regarding Clean Water and Drinking Water SRF projects.

7. **Grant ~ Discuss, consider, and/or approve the Fire Marshall to apply for an LCRA Community Development grant seeking funding for pagers for use by all county Volunteer Fire Departments.**

Dan Shook, Fire Marshall, discussed the grant to seek funding assistance to replace all county Volunteer Fire Departments paging system. Cost would be shared with the county and the need for the fiber connection between the Police Department and Tower would be eliminated.

Motion made by Councilwoman Sitz to approve the Fire Marshall to apply for a grant, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried.

8. **Resolution ~ Discuss, consider, and/or approve resolution granting execution of an advance funding agreement with the state to replace or rehabilitate Sixth St & Ave I Bridge over Cottonwood Creek.** Gabriel Lopez, Engineering Tech

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

9. Appointment ~ Discuss, consider, and/or approve the appointment of Jonathon Hewitt to the Bay City Community Development Board. Robert Nelson, Mayor

Motion made by Councilman Flores to approve the appointment of Jonathon Hewitt to the Bay City Community Development Board, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Folsie, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried.

10. Appointment ~ Discuss, consider, and/or approve the election of Mayor Pro Tem.

Mayor Nelson recommended the appointment of Blayne Finlay.

Motion made by Mayor Pro Tem Folsie to appoint Councilman Finlay as Mayor Pro Tem, Seconded by Councilman Flores. Voting Yea: Mayor Nelson, Mayor Pro Tem Folsie, Councilwoman Sitz, Councilman Finlay, Councilman Flores. Motion carried.

11. Districts ~ Discussions regarding the formation of an Emergency Services District.

Councilwoman Becca Sitz commented on the growing concern of the city's ISO rating and that it is probably out of the ordinary that a town our size does not have a paid fire department. Council discussed the formation of an Emergency Services District. Dan Shook, Fire Marshall, added that it could be comprised of both volunteer and paid. A recommendation was made to form a committee to look into it, as well as how citizens and the county feel about it.

CLOSED / EXECUTIVE SESSION

Council adjourned into an executive session at 7:30 pm.

12. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).

RECONVENE AND ACTION

Council reconvened back into regular session at 8:11 pm. Council took no action.

ADJOURNMENT

Motion made by Councilwoman Sitz to adjourn, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Councilman Folse, Councilwoman Sitz, Mayor Pro Tem, Councilman Flores. Motion carried and the meeting adjourned at 8:12 pm.

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

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

JEANNA THOMPSON
CITY SECRETARY

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	04/06/23
ACCOUNTS PAYABLE	04/14/23
ACCOUNTS PAYABLE	04/19/23
ACCOUNTS PAYABLE	04/27/23

ACCOUNTS PAYABLE	05/04/23
ACCOUNTS PAYABLE	05/05/23
ACCOUNTS PAYABLE	05/12/23
ACCOUNTS PAYABLE	05/19/23
ACCOUNTS PAYABLE	05/26/23
ACCOUNTS PAYABLE	06/01/23
ACCOUNTS PAYABLE	06/06/23
ACCOUNTS PAYABLE	06/15/23
ACCOUNTS PAYABLE	06/16/23
ACCOUNTS PAYABLE	06/22/23
ACCOUNTS PAYABLE	06/23/23
ACCOUNTS PAYABLE	06/30/23

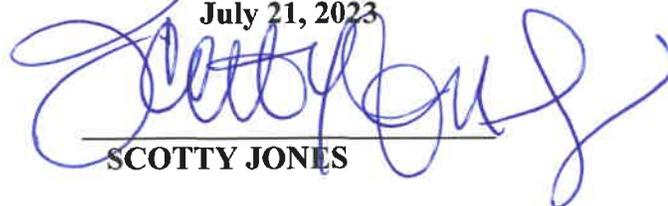
DIRECT PAYABLES	04/11/23
DIRECT PAYABLES	04/18/23
DIRECT PAYABLES	04/26/23
DIRECT PAYABLES	05/09/23
DIRECT PAYABLES	06/06/23
DIRECT PAYABLES	06/16/23
DIRECT PAYABLES	06/20/23

UTILITY REFUNDS	04/06/23
UTILITY REFUNDS	05/04/23
UTILITY REFUNDS	06/02/23
UTILITY REFUNDS	06/23/23

RESPECTFULLY SUBMITTED

FINANCE DIRECTOR

July 21, 2023



SCOTTY JONES



CITY OF BAY CITY VOLUNTEER INTEREST FORM

Dear Resident:

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

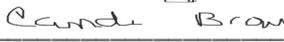
PLEASE TYPE OR PRINT:

Date: 07112023
Name: Candice L. Brown Home Address: [REDACTED]
City: Bay City State Texas Zip 77414
Home Phone: 979-[REDACTED] Business Phone: _____
Employer: Self-employed Occupation: Small businesses owner
E-mail: [REDACTED]
Resident of the Bay City Corporate City Limits: (circle one) Yes No
Resident of City for 60 years

I am interested in serving on the following boards:
(Boards and Committees include: Bay City Community Development Corporation (BCCDC), Main Street, Planning Commission, Historic Commission, Convention and Visitor Bureau (CVB), and Housing Authority)

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

Please list any involvement in civic groups or clubs, current or past service on city boards, or other information qualifying you for service:
Daughter In Progress, Unity 4 The Community, Hilliard Alumni , MLK Committee and ,Small Business Owner .

eSigned via SeamlessDocs.com

Key: b706a7f3e8b9bca69b123267b71b76ec
Signature

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



CITY OF BAY CITY VOLUNTEER INTEREST FORM

Dear Resident:

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

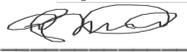
PLEASE TYPE OR PRINT:

Date: 07/17/2023
Name: Abigail R. Coates Home Address: ██████████ 6th Street
City: Bay City State TX Zip 77414
Home Phone: 979-██████████ Business Phone: _____
Employer: Bay City ISD Occupation: Counselor
E-mail: ██████████
Resident of the Bay City Corporate City Limits: (circle one) Yes No
Resident of City for 4 years

I am interested in serving on the following boards:
(Boards and Committees include: Bay City Community Development Corporation (BCCDC), Main Street, Planning Commission, Historic Commission, Convention and Visitor Bureau (CVB), and Housing Authority)

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

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

eSigned via SeamlessDocs.com

Key: b706a7f3e8b9bca69b123267b71b76ec
Signature

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

ORDINANCE AMENDING THE CITY CODE OF ORDINANCES RELATING SECTIONS OF CHAPTER 38, ARTICLE V “NOISE” INCLUDING SECTIONS AS SHOWN ON THE ATTACHED EXHIBIT “A”; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE



EXECUTIVE SUMMARY

BACKGROUND:

The City amended the noise ordinance in November 2021. Officers were having some difficulty interpreting the ordinance and citizens were challenging the ordinance. Amended to simplify and provide clarity to the intentions. One change was Sec 38-172 (a) (13) adding “b,” to provide distance of source from property from 50 feet from property line to at the source property line.

FINANCIAL IMPLICATIONS:

none

ORDINANCE _____

ORDINANCE AMENDING THE CITY CODE OF ORDINANCES RELATING SECTIONS OF CHAPTER 38, ARTICLE V “NOISE” INCLUDING SECTIONS AS SHOWN ON THE ATTACHED EXHIBIT “A”; PROVIDING FOR PENALTIES; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS that the amendments are adopted as Amendments to Chapter 38, Article V as shown on the attached Exhibit “A” in its Code of Ordinances.

Section 1. The Amendments are to be made to Chapter 38, Article V of the Code of Ordinances as shown in the attached Exhibit “A.” All insertions are made with blue colored letters and all deletions are shown in red.

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

Section 3: All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

Section 4: The City Secretary shall publish the caption or a descriptive title of this ordinance one time within 10 days after final passage of the ordinance in a newspaper of general circulation in the City of Bay City.

Section 5: It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Bay City, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney. The Code of the City of Bay City, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

Section 6: Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor. In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this ordinance by injunction or civil remedy issued by a court of competent jurisdiction.

Section 7: That if any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

Section 8: That the provisions of this ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Bay City, Texas.

PASSED AND APPROVED on this 25th day of July, 2023.

Robert K. Nelson, Mayor
City of Bay City, Texas

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney

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

Robert K. Nelson, Mayor
City of Bay City, Texas

EXHIBIT A

ARTICLE V. NOISE¹

Sec. 38-171. Unreasonable noise prohibited.

It shall be unlawful for any person to make, permit or allow to be made, or cause to be made or continued, any loud, unnecessary or unusual noise or any noise which disturbs, injures or endangers the comfort, repose, health, peace, safety or welfare of others within the limits of the city, unless the making and continuing of such noise is necessary for the improvement, protection or preservation of property or the health, safety, life or limb of some person.

(Code 1985, § 17-1; Code 2000, § 38-171)

Sec. 38-172. Specific noises, acts declared loud and disturbing.

- (a) The following acts, among others, are declared to be loud, disturbing and unnecessary noises in violation of this chapter; provided however, that such enumeration shall not be construed to be exclusive of other noises:
- (1) The sounding of any horn or signal device on any automobile, motorcycle, bus, streetcar or other vehicle while not in motion, except as a danger signal if another vehicle is approaching apparently out of control, or if in motion only as a danger signal after or as brakes are being applied and deceleration of the vehicle is intended; the creation by means of any such signal device of any unreasonably loud or harsh sound; and the sounding of such device for any unnecessary and unreasonable period of time.
 - (2) The playing of any radio, phonograph, ~~recording, or any~~ musical instrument, ~~or other electronic device~~ in such manner, or with such volume, ~~not to exceed eighty (80) dB(a) particularly during the hours between 11:00 p.m. and 7:00 a.m. as to create a noise such as is reasonably calculated to disturb a person of ordinary disposition under the same or similar circumstances residing in a dwelling or other type of residence in the vicinity. No stationary loudspeaker or amplifier shall be operated on any weekday between the hours of 11:00 p.m. and 7:00 a.m., and no such stationary loudspeaker or amplifier shall be operated at any time on Sunday between the hours of 7:00 a.m. and 1:00 p.m.~~
 - a) ~~In residential areas, noise shall not exceed eighty (80) dB(a) from 7 a.m. to 10 p.m. Noise shall not exceed eighty (80) dB(a) after 10 p.m. to 7 a.m.~~
 - b) ~~In and around non-residential property, noise shall not exceed eighty (80) dB(a):~~

~~Sunday – Thursday after 10 p.m. to 7:00 a.m. the following day.~~

~~Friday – Saturday after 12 midnight to 7:00 a.m. the following day.~~

~~Daytime 7:00 a.m. to 10 p.m. after 10 p.m. on a Sunday, Monday, Tuesday, Wednesday, or Thursday and before 7 a.m. on the following morning or after 12 a.m. and before 7 a.m. on a Saturday or Sunday.~~
 - (3) The use of an automobile, motorcycle, streetcar or vehicle so out of repair, so loaded or operated in such manner as to create loud or unnecessary noises such as spinning or squealing tires, grating, grinding, rattling or other noise.

¹State law reference(s)—Noise near residential areas, V.T.C.A., Penal Code § 42.01(c).

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- (4) The blowing of any steam whistle attached to any stationary boiler except to give notice of the time to begin or stop work or as a warning of danger.
- (5) The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or boat engine except through a muffler or other device which will effectively prevent loud or explosive noises therefrom.
- (6) The use of any mechanical device operated by compressed air, except pneumatic drills, unless the noise thereby created is effectively muffled and reduced.
- (7) The erection (including excavation), demolition, alteration or repair of any building in a residential or business district other than between the hours of 6:00 a.m. and 8:00 p.m. Monday — Saturday, and all hours on Sunday. The city council or its designee may issue a written permit to exceed these hours in the case of urgent necessity in the interest of public health, safety, or welfare, which permit may be renewed for a period of three days or less while the emergency continues.
- (8) The creation of any excessive noise on any street adjacent to any school, institution of learning, or court while the same are in session, or adjacent to any hospital, which unreasonably interferes with the working of such institution, provided conspicuous signs are displayed in such streets indicating that the same is a school, hospital or court street.
- (9) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.
- (10) The sounding of any bell or gong attached to any building or premises which is reasonably calculated to disturb a person of ordinary disposition if such person were in the vicinity thereof.
- (11) The shouting and crying of peddlers, hawkers and vendors which disturbs the quiet and peace of the neighborhood.
- (12) The use of any drum, loudspeaker or other instrument or device for the purpose of attracting attention by creation of noise to any performance, show or sale of merchandise.
- (13) The making, assisting in making, permitting, continuing, causing to be made or continued, or permitting the continuance of any sound using any sound amplifier that is part of or connected to any speaker system, radio, stereo receiver, compact disc player, cassette tape player, microphone, or any other sound source, when operated:
- a. In such a manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants; or
 - b. ~~Within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto, the operation of any such sound amplifier in such a manner that bass or other sounds are plainly audible in excess of eighty (80) dB(a) at the property line of source property or premises in which the amplification is located shall be presumed to be in violation of this section.~~
 - ~~C b.~~ At any time with louder volume than is necessary for convenient hearing for persons who are in ~~the a vehicle and or within the property or premises in which such sound amplifier is operated and who are voluntary listeners thereto~~ the operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 50 feet from a vehicle shall be presumed to be in violation of this section.
- ~~The operation of any such sound amplifier in such a manner as to be plainly audible at a distance of 50 feet from a vehicle shall be presumed to be in violation of this section. The operation of any such sound amplifier in such a manner that bass or other sounds are plainly audible at a distance of 50 feet from the property line of a property or premises in which the amplification is located shall be presumed to be in violation of this section.~~
- (14) The use of an exhaust braking system on any motor vehicle (e.g., Jake Brake) at any time within the city limits.
-

- (15) Mufflers. No person shall operate a gasoline engine or any similar engine of any kind unless the engine shall be equipped with an exhaust muffler in effective working condition, which muffler shall be used whenever the engine is in operation so that there will be no excessive or unusual noise, or the engine shall be so constructed or designed that the noise is deadened as if such engine were equipped with a muffler. No person shall operate a motor vehicle upon any street unless such motor vehicle is equipped with a muffler at all times in good working order sufficient to prevent excessive or unusual noise.
- (b) It is an affirmative defense to prosecution under this section that the sound source is a motor vehicle and that:
- (1) The motor vehicle is a mobile sound stage or studio that is being used on a stationary basis at a location not situated upon any street for the purpose of providing sound, during daytime hours, for an event or function; and
 - (2) The use is in compliance with all other provisions of this chapter.
 - (3) It is an affirmative defense that the person producing, permitting, or allowing the sound is an event sponsored by the City of Bay City, is acting pursuant to a valid parade permit or has otherwise received permission from the City of Bay City to have an event with a variance from this Section.

~~Daytime hours shall mean the hours from 7:00 a.m. on one day and 10:00 p.m. the same day.~~

- (c) The term "property line" means, with respect to single occupancy properties, the line along the ground surface and its vertical extension that separates the real property owned, leased, or occupied by one person from that owned, leased, or occupied by another person. With respect to shared occupancy properties, the term "property line" means the imaginary line that represents the legal limits of occupancy of any person who owns, leases, or otherwise occupies an apartment, condominium, hotel or motel room, office, or any other type of occupancy from that of other occupants.

Sec. 38.173 Tests and standards for noises.

Factors to consider: The standards which shall be considered in determining whether a violation of Sec. 38-172 exists shall include but shall not be limited to the following:

- (1) The volume of the noise.
- (2) The intensity of the noise.
- (3) Whether the nature of the noise is usual or unusual.
- (4) Whether the origin of the noise is natural or artificial.
- (5) The volume and intensity of the background noise, if any.
- (6) The proximity of the noise to residential sleeping facilities.
- (7) The nature of the area within which the noise emanates.
- (8) The density of inhabitation of the area within which the noise emanates.
- (9) The time of the day or night the noise occurs.
- (10) The duration of the noise.
- (11) Whether the noise is recurrent, intermittent or constant.
- (12) Whether the noise is produced by a commercial or noncommercial activity.

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

**INTERLOCAL AGREEMENT
BETWEEN MATAGORDA COUNTY
AND CITY OF BAY CITY
REGARDING CONSTRUCTION,
IMPROVEMENT, MAINTENANCE,
AND/OR REPAIR OF PORTIONS OF
12TH STREET**

This Interlocal Agreement (“Agreement”) is made by and between the City of Bay City, a municipality of the State of Texas (“City”) and Matagorda County, a political subdivision of the State of Texas (“County”). This Agreement provides for the funding of labor and materials to repair the 12th street road, located in a portion of the municipality jurisdiction of the City as well as the County, hereinafter referred to as the “Project.”

WHEREAS, the County and the City value the completion of the Project which involves a road which is an integral part of the County’s road system; and

WEHREAS, the County and the City mutually desire to be subject to the provisions of Texas Government Code Chapter 791, the Interlocal Cooperation Act; and

WHEREAS, the County desires the participation of the City in the Project as authorized by Texas Transportation Code 251.012.

NOW, THEREFORE, it is mutually agreed by the parties hereto as follows:

I.

The term of this Agreement shall commence upon execution by all parties and shall terminate upon completion of the Project and payment by the County for the materials as provided herein, unless sooner terminated as provided in the succeeding provisions hereof.

II.

The Project is described as follows: repairing of the 12th street road in Bay City, Matagorda County, Texas, and as shown in the attached and incorporated Exhibit A.

III.

Pursuant to Texas Government Code Section 791.011, the parties hereto agree that the purpose of this Agreement is to ensure that certain governmental functions and services in the area of streets, roads and drainage are performed. The parties hereto further agree that each of them is authorized to perform the functions and services individually.

IV.

The County agrees to secure all necessary surveying, engineering and construction services related to the Project. The County shall have prepared plans and specifications for the Project and shall oversee construction of the Project. The County shall hire the Contractor that provided an estimate for the repairs as attached and incorporated herein as Exhibit B.

The City agrees to pay the costs of the repairs of 12th Street from Highway 35 until Moore Street in Bay City, Texas which represents fifty percent (50%) of the total work of the Project.

The City shall pay their share of the costs, equal to fifty percent (50%) of the total cost of Exhibit B including any required change order, directly to the Contractor.

V.

All payments made by the County and City under the terms of this Interlocal Agreement will be paid from current revenues available to the County and City respectively.

VI.

This Agreement may be terminated in whole or in part by the County or the City upon thirty (30) days written notice to the other parties setting forth a substantial failure by the defaulting party to fulfill its obligations under this Agreement through no fault of the terminating party. No such termination may be effective unless the defaulting party is given: (1) written notice delivered by certified mail, return receipt requested, of the intent to terminate setting forth the substantial failure to perform; and (2) not less than thirty (30) calendar days to cure the failure; and (3) an opportunity for consultation with the terminating party prior to terminations.

For County:

Matagorda County Judge
1700 7th Street, Room 301
Bay City, Texas 77414

Courtesy Copy To:

Matagorda County Attorney
1700 7th Street, Room 305
Bay City, Texas 77414
attorney@co.matagorda.tx.us

City of Bay City

City of Bay City Mayor
1901 Fifth Street
Bay City, Texas 77414

VII.

The covenants, conditions and terms hereof are to be construed under the laws of the State of Texas and are performable by all parties in Matagorda County, Texas. The parties mutually agree that venue for any obligation arising from this Agreement shall lie in Matagorda County, Texas.

VIII.

This written agreement is intended by the parties as a final expression of their agreement and as a complete and exclusive statement of the terms of their agreement This Agreement can be modified or rescinded only by writing signed by both of the parties or their duly authorized agents.

IX.

The County and City do not agree to waive or relinquish any immunity or defense on behalf of itself, its trustees, officers, employees, and agents as a result of its execution of this Agreement and performance to the covenants contained herein. The County and City specifically reserve any claim it may have to sovereign, qualified, or official immunity as a defense to any action arising in conjunction with this Agreement.

X.

In the event that any portion of this Agreement shall be found to be contrary to law, it is the intent of the parties hereto that the remaining portions shall remain valid and in full force and effect to the extent possible.

XI.

The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Agreement on behalf of the parties hereto and each party hereby certifies to the other that any and all necessary resolutions extending said authority have been duly passed and are not in full force and effect.

MATAGORDA COUNTY

Date: _____

Bobby Seiferman
Matagorda County Judge

ATTEST:

Date: _____

Stephanie Wurtz

Matagorda County Clerk

CITY OF BAY CITY

Robert K. Nelson
Mayor of the City of Bay City

Date: _____

ATTEST:

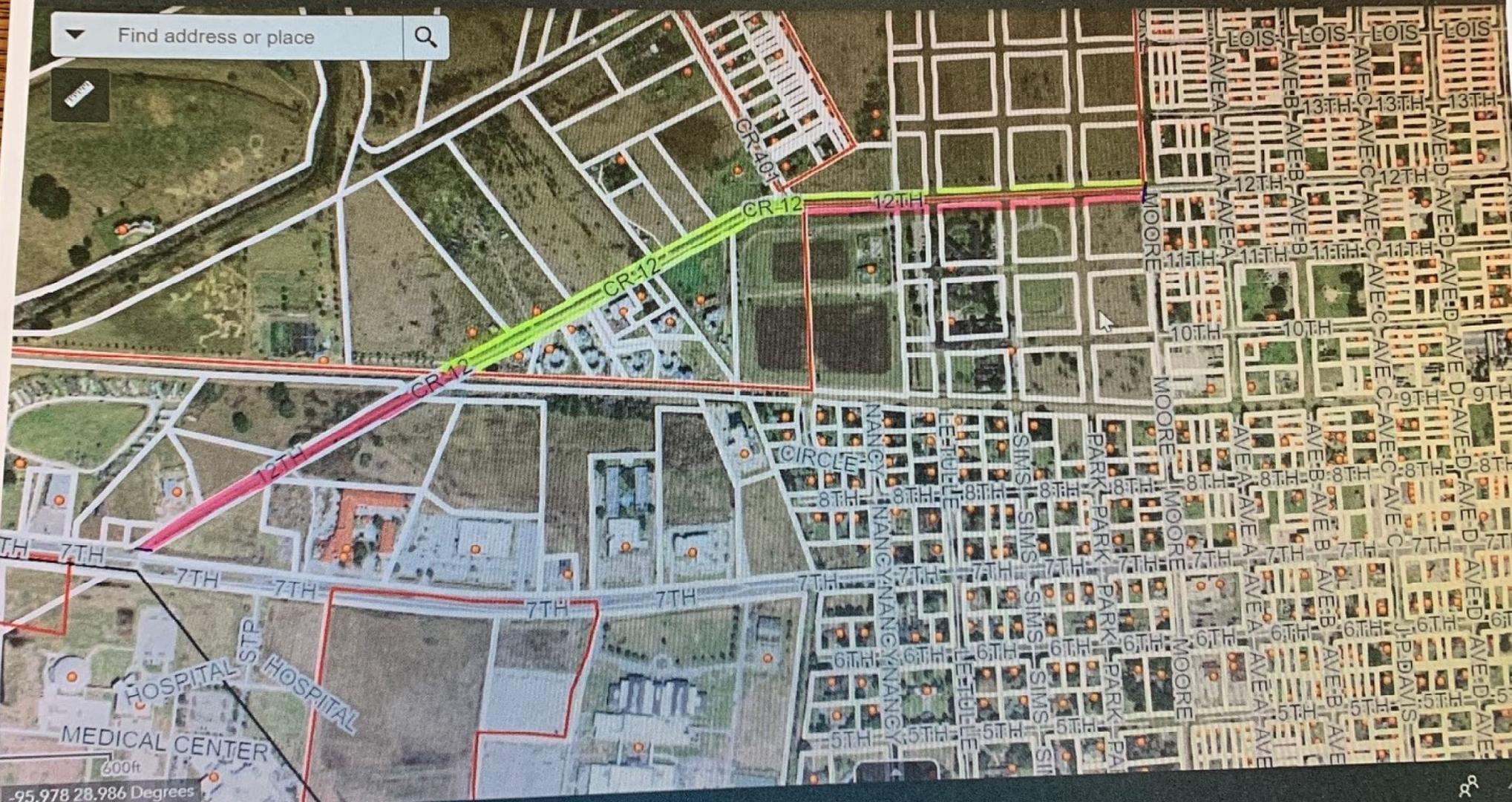
Jeanna Thompson
City Secretary of the City of Bay City

Date: _____

County Map 2022

with ArcGIS Web AppBuilder

Find address or place



-95.978 28.986 Degrees



12th St. - Bay City

ITEM #11.

Matagorda Construction & Materials

1712 SH 35 South
 Bay City, TX 77414
 (979) 323-9911 / (979) 241-2232
 mcandm@yahoo.com

12th Street

ESTIMATE#

57019539

DATE

05/31/2023

PO#

Estimate

CUSTOMER

Matagorda County Precinct #4 - Tax Exempt
 Matagorda County Precinct #4

SERVICE LOCATION

Matagorda County Precinct #4 - Tax Exempt
 Matagorda County Precinct #4
 12th Street Bay City

DESCRIPTION Bid is to repair existing road. Road will be mixed & portland cement installed in subgrade. Top road with two course chip seal.

Estimate

Description	Qty	Rate	Total
Portland Cement Cement	150.00	285.00	42,750.00
Reclaimer/Stabilizer	110.00	365.00	40,150.00
Maintainer	130.00	115.00	14,950.00
3410 Pad Roller	130.00	75.00	9,750.00
3410 Smooth Drum Roller	130.00	75.00	9,750.00
PS-150 Pneumatic Roller	75.00	75.00	5,625.00
Water Truck	110.00	75.00	8,250.00
Labor	835.00	40.00	33,400.00
Haul Truck W/Lowboy Trailer	8.00	120.00	960.00
Two Course without coverstone without primer 5,365'x26' = 15,498.89	15498.89	2.70	41,847.00
PB grade 3 Rock	250.00	78.00	19,500.00
PB grade 4 Rock	250.00	78.00	19,500.00
Crew Truck 1500	260.00	25.00	6,500.00

CUSTOMER MESSAGE

Estimate Total:

\$252 ITEM #11.

PRE-WORK SIGNATURE

Signed By:

~ DISCUSS, CONSIDER, AND/OR APPROVE THE CITY'S QUARTERLY FINANCIAL AND INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2023



EXECUTIVE SUMMARY

QUARTERLY FINANCIAL & INVESTMENT REPORT

BACKGROUND: Quarterly financial reports provide the most accurate reflection of the quarter activity for each major fund. Reports are provided to City Council via email with a formal presentation at the next available Council meeting. In addition, the Finance Committee meets quarterly to review the Investment Report in detail. This time also serves as an opportunity to discuss the City's finances. In the event that financial decisions or budgetary amendments need attention prior to this date-the Finance Director shall request a Special Called Meeting. All reports are posted to the City's website along with other financial information.

FINANCIAL IMPLICATIONS: Timely financial data provides City Council time to make informed decisions to prevent any negative financial implications.

IMPACT ON COMMUNITY SUSTAINABILITY: The report provides financial information to the public. (i.e., costs of services, revenue sources)

RECOMMENDATION: Staff recommends City Council approve the Quarterly Financial & Investment Report.

ATTACHMENTS: Quarterly Financial Report for Quarter Ending June 30, 2023 (Supporting documentation will be emailed out prior to meeting)

Discuss, consider, and/or reject the bid to Matula & Matula Construction Inc. for the Hardeman Park Soccer Field Light Poles Project.



Executive Summary

Soccer Field Light Poles Foundation Project

BACKGROUND:

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

Matagorda Materials and Construction donated the field lights and poles to the City after demolishing the old Football stadium for use at Hardeman Park. The poles needed refurbishment due to excessive corrosion on the bases which were replaced by Henderson Fabrication by funding approved by City Council. The light fixtures were not recommended for reuse as they draw significant power and are of considerable age. Additional funding was needed to erect the poles, install lighting, wiring, conduit, and power controls to make the poles operational. A \$50,000 grant from LCRA was obtained for park lighting, which was believed to provide enough funding for the foundations of the refurbished poles. Formal bids were requested and rejected due to the excess amount over budget and only one bid was submitted. The bid was rejected and sealed bids were requested which also resulted in a single bid over budget from a different vendor. The City is working with the vendor that was awarded the Soccer Field Lighting project for a more feasible option.

FINANCIAL IMPLICATIONS:

Funding Source – LCRA Grant \$50,000 will be able to cover the setting of the poles.

RECOMMENDATION:

Staff recommends City Council **REJECT** the bid to Matula & Matula Construction Inc.