



# CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, December 20, 2022 at 6:00 PM  
COUNCIL CHAMBERS | 1901 5th Street

## COUNCIL MEMBERS

**Mayor:** Robert K Nelson

**Mayor Pro Tem:** Jim Folse

**Council Members:** Floyce Brown, Bradley Westmoreland, Becca Sitz, Blayne Finlay

### Vision Statement

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

## AGENDA

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

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

### CALL TO ORDER AND CERTIFICATION OF QUORUM

#### INVOCATION & PLEDGE

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

*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. City Council Regular Meeting minutes of November 15, 2022.**
- 2. Council Workshop meeting minutes of December 6, 2023.**
- 3. Regular Council Meeting minutes of December 6, 2022.**

**REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**

- 4. Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Matagorda County for library services for the 2023 year.**
- 5. Agreement ~ Discuss, consider, and/or approve a Jurisdictional Memorandum of Understanding between the Bay City I.S.D. Police Department and the City of Bay City Police Department outlining reasonable communication and coordination of efforts. Christella Rodriguez, Chief of Police**
- 6. Bid ~ Discuss, consider and/or select LEM Construction for the Wastewater Treatment Plant Rehab Projec under the Texas Water Development Board Funding for the Clean Water SRF Projects and Authorize the Mayor and/or City Manager to execute a contract approved to form by the City Attorney between the City of Bay City and LEM Construction. Barry Calhoun, Public Works Director**
- 7. Variance ~ Discuss, consider, and/or approve a variance to the Animal Ordinance allowing for the raising of pigs. Benjamin Flores**
- 8. Budget ~ Discuss, Consider, and/or Approve Budget Amendments for the Bay City Community Development Corporation (BCCDC) as of November 30, 2022. Jessica Russell, BCCDC Executive Director**
- 9. Resolution ~ Discuss, consider, and/or approve a resolution authorizing the award of administration service provider for Hazard Mitigation Assistance (HMA) Program(s) funded through the Texas Division of Emergency Management (TDEM) and/or Texas Water Development Board (TWDB). Gabriel Lopez, Engineering Tech**

- 10. Resolution ~ Discuss, consider, and/or approve a resolution authorizing the award of engineering service provider for the Hazard Mitigation Assistance (HMA) Program(s) funded through the Texas Division of Emergency Management (TDEM) and/or Texas Water Development Board (TWDB). Gabriel Lopez, Engineering Tech**
- 11. Resolution ~ Discuss, consider, and/or approve a resolution committing up to \$16,499.00 in City funds towards the construction cost of the Flood and Drainage Improvements Project, CDBG-DR GLO CONTRACT NO. 20-065-048-C142. Gabriel Lopez, Engineering Tech**

#### **CLOSED / EXECUTIVE SESSION**

- 12. Executive session pursuant to Texas Government Code Section 551.072 to discuss or deliberate regarding the purchase, exchange, lease, or value of real property.**
- 13. Executive Session pursuant to Title 5, Section 551.074 of the Texas Government Code (To discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: Chief of Police**

#### **RECONVENE AND ACTION**

#### **ITEMS / COMMENTS FROM 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, December 16, 2022 before 6:00 p.m.** Any questions concerning the above items, please contact the Mayor and City Manager's office at (979) 245-2137.

**CITY OF BAY CITY**  
MINUTES • NOVEMBER 15, 2022

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**COUNCIL  
CHAMBERS | 1901  
5th Street**

**City Council Regular Meeting**

**6:00 PM**

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



**Mayor**

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Robert K. Nelson

**Councilman**

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Blayne Finlay

**Mayor Pro Tem**

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Jim Folse

**Councilman**

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Bradley Westmoreland

**Councilwoman**

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Becca Sitz

**Councilwoman**

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Floyce Brown

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**CALL TO ORDER AND CERTIFICATION OF QUORUM**

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

*Mayor Pro Tem Jim Folse*

**MISSION STATEMENT**

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

*Mayor Pro Tem Jim Folse*

**APPROVAL OF AGENDA**

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

**PUBLIC COMMENTS**

Lillie Norris, Deputy City Secretary gave her comments regarding the city holiday schedule. Ben Flores, 2500 Hamman Road, appreciated the patience and guidance of the City Manager and City Secretary, adding an apology to the Animal Control Officer Grandstaff. Mr. Flores discussed a South Texas Drone Fest he is putting together and seeing if the Council is interested.

**ACKNOWLEDGEMENT FROM CITY MANAGER**

- 1. Recognition of staff and crews for their work on the AMI Meter Replacement Project**

Shawna Burkhart, City Manager, presented an "I See You Award" to employees for their work on the AMI Meter Replacement Project.

**2. Recognition of personnel for their planning, organization, and work on the Day of the Dead event.**

Shawna Burkhart, City Manager, recognized and applauded personnel for their work and great success organizing the Day of The Dead event.

**CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL**

**3. City Council Regular Meeting minutes of November 1, 2022.**

**4. Accounts Payable, Direct Payable and Utility Refunds for July, August, and September 2022**

Motion made by Councilwoman Brown to approve the consent items with correction to comments made by Councilwoman Sitz regarding making one bathroom available to public at the Municipal Service Building, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

**DEPARTMENT REPORTS**

**5. Police Department employee recognition.** Captain Rodriguez and Lt. Clayton Ryman

Captain Rodriguez and Lt. Clayton Ryman recognized Corporal Jose Soto for his life saving efforts that saved the life of an infant. Captain Rodriguez presented Cpl. Sota a Chief Challenger Coin.

**6. Tourism Manager's Quarterly Report.** P. Darve Smith, Tourism Manager

P. Darve Smith, Tourism Manager, presented council the Tourism quarterly report, stating that Day of The Dead had an attendance of 1500, the digital sign is in production and should be installed within 4 months.

**REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**

**7. Presentation ~ Introduction to HIF's eFuels facility in Matagorda County.**

James Outtrim, Highly Innovated Fuels, made a presentation to council to introduce the company that is based in Chili and the products produced. The Matagorda facility will create 3000 construction jobs and 150 permanent jobs. Mr. Outtrim stated that construction will take 3 to 4 years. Councilman Westmoreland thanked HIF for choosing Matagorda County and asked about how they will transport their product. Mr. Outtrim replied pipeline to rail road, but they are still meshing out.

**8. Policy ~ Review and discuss employee survey results regarding City Holiday Schedule.**

Rhonda Clegg, Director of Human Resources, stated that they sent a survey to 148 employees and 100 of 118 employees chose to keep the current holiday format. Mayor Pro Tem Folse stated that the desire was to make it better and it sounds like it will not make it better. Councilman Westmoreland thanked the employees that responded, I thought that it was something they would may want but clearly not but I am glad to hear their voices.

**9. Policy ~ Discuss, consider, and/or approve the City Parks & Recreation Department Facility Use Policy and Agreement.**

Shawn Blackburn, Parks & Recreation Director, reviewed the City Parks & Recreation Department Facility Use Policy and Agreement and permit process stating that this will unify all programs into one permit process. In the past, city has leased and this has caused problems. Mr. Blackburn reviewed advantages of responsibilities, 501 status, and user tiers. Aquatic use is \$3000 per year, field use is \$1000 per year. Councilman Westmoreland asked if we've had conversations with current users regarding the fees. Shawna Burkhart stated they have had one meeting with the soccer league but have not met with Aquacats yet.

Motion made by Councilman Westmoreland to approve the City Parks & Recreation Department Facility Use Policy and Agreement, Seconded by Councilman Finlay. 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 awarding the civil engineering contract for the Jet A Fuel System Improvements Project to Civil PE, LLC.**

James Mason, Airport Manager, presented the contract which is 100% funded by ARP.

Motion made by Councilwoman Brown to award the civil engineering contract to CivilPE for the Jet A Fuel System, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

**11. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue Certificates of Obligation in connection with the receipt of financial assistance from the Texas Water Development Board through the Clean Water State Revolving Fund, and approving other matters incidental thereto. Scotty Jones, Finance Director**

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

- 12. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue Certificates of Obligation in connection with the receipt of financial assistance from the Texas Water Development Board through the Drinking Water State Revolving Fund, and approving other matters incidental thereto.** Scotty Jones, Finance Director

Motion made by Councilman Finlay 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.

- 13. Report ~ Discuss, consider, and/or approve the City's Quarterly Investment Report for the quarter ending September 30, 2022.** Scotty Jones, Finance Director

Motion made by Councilwoman Brown to approve the City's quarterly investment report, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

- 14. Agreement ~ Discuss, consider, and/or approve a Professional Service Agreement between David Pettit Development, LLC and the City of Bay City providing services relating to the creation of a Tax Increment Reinvestment Zone Number Five (TIRZ #5) .** Shawna Burkhart, City Manager and Jessica Russell, BCCDC

Jessica Russell, Executive Director of Bay City Community Development, stated that Maddox Developer needs certain paperwork for the bank to show the city is on board. Ms. Russell added that she recieved and email regarding another development by Bay Ridge. Councilwoman Brown stated that TIRZ #4 does not have roof tops yet and she is concerned about starting another TIRZ. Ms. Russell replied that TIRZ #4 hold up is in the Drainage District and a workshop schedule next Monday.

Motion made by Councilman Finlay to approve the agreement, Seconded by Councilwoman Sitz.

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

- 15. Discussion ~ Downtown parallel parking versus compact car parking.** Shawna Burkhart, City Manager

Councilwoman Sitz stated that per the TxDOT agreement regarding parking on highway 35 and 60 should be parallel. Block between 7th and 6th should be parallel and its compact. Councilwoman Brown stated tha we have an ordinance so why isn't it being enforced. Captain Rodriguez stated that they had provide flyers and in a week they will start issuing citations. Councilwoman Sitz would like to see the block between 7th and 6th highway 60 re-stripped as parallel.

**16. Discussion ~ Discuss pursuing Railroad Quiet Zone.** Councilman Jim Folse

Mayor Pro Tem Folse noticed that City of Angleton was doing a quiet zone and met with their engineer. Two railroads, east to west would not be that expensive as most of it is equipped; about 18 trains a day, but only 2 north to south but most intersections are not equipped and cost is about \$300,000 to \$325,00 per intersection, around \$4.5 million. Several industries are expected to increase railroad traffic on the north to south tracks, but also looking at moving the marshalling station outside of the city for that. If they move that out than we would be only looking at east to west traffic, about \$30,000 to include the engineers and could be paid for with ARP funding. Jessica Russell, Executive Director Bay City Community Development Commission, stated that she was excited to see this item on the agenda and that they are currently working on and excited to have another person involved. Ms. Russel also stated is easier to discuss with BSNF than Union Pacific, and advised to put together a letter a priorities, and they have focused on the time the train is sitting at an intersection as they feel this is a safety issue. Ms. Russell listed other items including in the letter and stated that they will be meeting with railroad on the 16th.

**CLOSED / EXECUTIVE SESSION**

Council adjourned to go into an executive session at 7:24 pm.

- 17. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
- 18. Executive Session pursuant to Section 551.071(2) of the Texas Government code (Consultation with Counsel on legal matters).**
- 19. Executive Session pursuant to Title 5, Section 551.074 of the Texas Government Code (To discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: Chief of Police**

**RECONVENE AND ACTION**

Council reconvened at 8:10 pm and took no action on items #17 and #18.

Motion on item #19 made by Councilwoman Sitz to make job offer for Chief of Police, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion

carried.

**ITEMS / COMMENTS & FROM MAYOR, COUNCIL MEMBERS AND CITY MANAGER**

Councilman Westmoreland stated that due to council meeting changes he will not be at the next council meeting and would like a correct meeting calendar for 2023 at the beginning of the year instead of changing at the end of the year. Councilman Westmoreland also stated that he would like windstorm and arsenic updates with options on the agenda after the first of the year. Councilwoman Sitz replied that she would like us to do everything in our power not to spend 3 million dollars that's not ours. Mayor Pro Tem Folse stated that he will be attending two H-GAC meeting. Councilwoman Brown commended the mowing on south 60. Councilman Finlay stated he was concerned for public safety regarding the gentleman who drives the riding lawnmower and parking in roadway. Councilwoman Sitz commented that the investment report showed a good amount of money at IBC and asked why not Prosperity since the bid was awarded to them. Councilwoman Sitz also stated that she has been to the Drainage district meeting and directed a question to Barry Calhoun as to if we want to do our own. After thinking about is, Councilwoman Sitz thinks this council needs to address and explore. Councilman Westmoreland stated we should meet in a workshop to discuss. Councilwoman Sitz stated that there is grant people out there to do infrastructure and would like to revisit Patriot Strategies.

**ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn the meeting, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and Council adjourned at 8:22 pm.

**PASSED AND APPROVED**, this 20th day of December 2022.

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

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JEANNA THOMPSON  
CITY SECRETARY

# CITY OF BAY CITY

MINUTES • DECEMBER 06, 2022

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COUNCIL  
CHAMBERS | 1901  
5th Street

City Council Workshop

4:30 PM

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1901 5TH STREET  
BAY CITY TX,77414



**Mayor**

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Robert K. Nelson

**Councilman**

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Blayne Finlay

**Mayor Pro Tem**

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Jim Folse

**Councilman**

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Bradley Westmoreland

**Councilwoman**

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Becca Sitz

**Councilwoman**

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Floyce Brown

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**CALL TO ORDER**

The meeting was called to order by Mayor Robert K. Nelson at 4:33 pm.

**CERTIFICATION OF QUORUM**

Quorum certified.

**PRESENT**

Mayor Robert K. Nelson  
Councilwoman Floyce Brown  
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. **Discuss plan for Public Works to have drainage reviewed prior to project being submitted to Drainage District #1.**

Jessica Russell, Executive Director of Bay City Community Development Commission, stated that Bay City is doing very well with developing coming in but the part of processes for developers is missing. The Drainage District approval is a hold up. Ms. Russell requested direction and authority to BCCDC and Public Works build an ordinance for drainage and so we can take on task. We have simplified our processes, we need to scrutinize what comes in for sustainable growth. We will ask developers what problems they are having. We will go out for RFP for engineers specific for drainage who will have the city as priority. Request authority to ask the Drainage District to edit their requirements from one acre to two acres. Discussed approval time limits, putting together a team, and then take to drainage district and negotiate.

2. **Presentation and discussion regarding arsenic.**

Jeremy Gaston, Garver Engineering, provided a presentation regarding the arsenic removal study and summary of findings. Shawna Burkhart asked about scrubbing the well and Mr. Gaston stated the object is to identify the zone of the well and is not approved by TCEQ as a viable technology and the city would have to negotiate with TCEQ. Discussions continued regarding blending. John Mercer, Lynn Engineering, asked if Council has considered drilling new wells and considered the age of the problem wells.

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**3. Discuss an update on the Wastewater Treatment Plant Project.**

Dan Olson, Garver Engineering, presented Council with updates on Waste Water Treatment Plant projects, why cost have increased and adjustments made to the plans. There were discussions regarding WIFIA funding and working on letter of interest and should know if approved in 8 weeks. Funding will overlap the debt with loans.

**ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried and the meeting adjourned at 5:46 pm.

**PASSED AND APPROVED**, this 20th day of December 2022.

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ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

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JEANNA THOMPSON

CITY SECRETARY

# CITY OF BAY CITY

MINUTES • DECEMBER 06, 2022

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COUNCIL  
CHAMBERS | 1901  
5th Street

City Council Regular Meeting

6:00 PM

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1901 5TH STREET  
BAY CITY TX,77414



**Mayor**

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Robert K. Nelson

**Councilman**

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Blayne Finlay

**Mayor Pro Tem**

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Jim Folse

**Councilman**

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Bradley Westmoreland

**Councilwoman**

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Becca Sitz

**Councilwoman**

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Floyce Brown

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**CALL TO ORDER AND CERTIFICATION OF QUORUM**

The meeting was called to order by Mayor Robert K. Nelson at 6:02 pm. A quorum was certified.

**PRESENT**

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

**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."*

*Councilwoman Becca Sitz*

**MISSION STATEMENT**

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*Councilwoman Becca Sitz*

**APPROVAL OF AGENDA**

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

**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.

David Torrez, 1616 Cottonwood, made a complaint regarding compact parking as no one is complying and no one is enforcing. Mr. Torrez is concerned about the new water meters.

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**ACKNOWLEDGEMENT FROM CITY MANAGER**
**1. Recognition of Utility Billing staff for their work on the AMI Meter Replacement Project**

Shawna Burkhart, City Manager, acknowledged water billing department for their work with the AMI Meter Replacement Project.

**REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**
**2. Appointment ~ Discuss, consider, and/or approve the appointment of Chief of Police**

Motion made by Mayor Pro Tem Folse to approve the appointment of Christella Rodriguez as the Chief of Police, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

**3. Oath ~ Swearing in of Chief of Police.**

Mayor Robert K. Nelson swore in Christella Rodriguez as Chief of Police.

**4. Variance ~ Discuss, consider, and/or approve a reduction or waiver to the permit fee for Bay City Aquacats Swim Team.**

Stephanie Wurtz, President of Bay City Aquacats Swim Team, presented the Aquacats request for variance to the new permit fee of \$3000 which was an unexpected increase from what they had been paying. Ms. Wurtz asked council to consider waiving the fee or reducing the fee. Ms. Wurtz also request 2 additional weeks to the year. Mayor Nelson asked that since some of the members are not city residents that Ms. Wurtz ask the County for assistance. Shawn Blackburn, Park & Recreation Director, stated that the fees were the amount that other cities charge.

Motion made by Councilwoman Brown to approve a variance to the fee of \$1500.00, pay in installments, and extending the term to the end of January, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

**5. Property ~ Discuss, consider, and/or approve declaring Police Units as surplus and authorize staff to sale said surplus equipment through the use of an online auction. Sgt. Edward Guzman, Police Department**

Motion made by Councilwoman Brown to approve declaring Police Units as surplus, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

- 6. Interlocal Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement for special law enforcement services between the City of Bay City and Fort Bend County Sheriff's office.** Sgt. Edward Guzman, Police Department

Motion made by Mayor Nelson to approve the Interlocal agreement with Fort Bend County Sheriff's Office, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

- 7. Ordinance ~ Discuss, consider, and/or approve an Ordinance amending the City Code of Ordinances, Chapter 14 ("Animals"), Article I, Section 14-5 "Prohibited animals".**

Anne Marie Odefey, City Attorney, presented the ordinance to amend the Animal ordinance limiting number of pigs allowable.

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

Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

- 8. Policy ~ Discuss and take action to approve policy for Public Works Department to outsource drainage review of commercial projects to third party engineer and return to Council with ordinance to recoup costs of same.**

Motion made by Councilwoman Sitz to approve for Public Works Department to outsource drainage review of commercial projects to third party engineer and return to Council with ordinance to recoup costs of same, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

- 9. Resolution ~ Discuss, consider, and/or adopt a Resolution by the City Council of the City of Bay City, Texas requesting financial assistance from the Texas Water Development Board under eligible programs, including the Drinking Water State Revolving Fund.**

Barry Calhoun, Public Works Director, presented the resolution to request financial assistance for the water system, including arsenic removal. Councilwoman Sitz requested that we do everything in our power to explore all options before spending funds. Councilwoman Sitz requested that funding updates are on 2nd meeting each month. In addition, Councilwoman requested a meeting with subject experts to explore all scenarios and Mayor Nelson agreed. Council discussed the above ground water storage at Liberty and should we keep or decommission. Shawna Burkhart, City Manager, stated two things were imperative; anything over \$25,000 has to be engineered and anything we do on scrubbing will have to be approved by council.

Mayor Pro Tem Folse asked about the main water replacement and have we priorities what needs replaced lines and Mr. Calhoun said we will priorities and schedule. Councilwoman Sitz discussed the water rate study and how we are pushing rates higher than everyone else.

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

Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

- 10. Resolution ~ Discuss, consider, and approve the selection of administration/project delivery service provider to Grantworks to complete the application and project implementation for the City of Bay City 2023-2024 Texas Community Development Block Grant program funded and administered through the Texas Department of Agriculture.** Gabriel Lopez, Engineering Tech

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

- 11. Resolution ~ Discuss, consider, and approve the selection of engineering/surveying service provider to Urban Engineering to complete project implementation for the City of Bay City's 2023-2024 Texas Community Development Block Grant funding administered by the Texas Department of Agriculture.** Gabriel Lopez, Engineering Tech

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

- 12. Resolution ~ Discuss, consider, and/or approve a Resolution authorizing the submission of the MIT-MOD application to the Texas General Land Office for the City of Bay City, Texas.** Gabriel Lopez, Engineer Tech

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

- 13. Plan ~ Discuss, consider, and/or approve the city of Bay City Citizen Participation Plan Texas General Land Office (GLO) Community Development Block Grant Mitigation Method of distribution (CDBG-MIT MOD) Program.** Gabriel Lopez, Engineer Tech

Motion made by Councilman Finlay to approve the Bay City Citizen Participation Plan, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion Carried.

- 14. Policy ~ Discuss, consider, and/or approve a Financial Policy and Procedures.**  
Scotty Jones, Finance Director

Councilwoman Sitz question the use of two banks.

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

- 15. Interlocal Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City, Matagorda County, Texas, Matagorda County Emergency Medical Services, County Hospital District, and Bay City Independent School District regarding use of the public safety communications system (infrastructure) owned by the City of Bay City.**

Scotty Jones, Finance Director, reviewed the agreement and structure of billing, adding that it had been billed out by means of a "handshake agreement".

Motion made by Councilwoman Brown to approve the agreement, Seconded by Mayor Pro Tem Folse.

Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

- 16. Agreement ~ Discuss, consider, and/or approve an amendment to the Development Financing Agreement between Reinvestment Zone Number One A (TIRZ #1A), City of Bay City, and Sal Holdings, LLC to include design standards.**

Shawna Burkhart, City Manager, reviewed the supplement and design standards. Anne Marie Odefey added that the process was looking at others and coming up with standards. DC Dunham, Sal Holdings, asked that Council look at each subdivision differently.

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

- 17. Resolution ~ Discuss, consider and/or approve a resolution of the City Council of the City of Bay City, Texas recognizing the appointments to the Board of Directors of Reinvestment Zone Number Four (#4), City of Bay City.** Shawna Burkhart, City Manager

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

- 18. Agreement ~ Discuss, consider, and/or approve an agreement between the City of Bay City, Bay City Lions Club, Matagorda County, and Bay City Community Development Corporation for use of Hardeman Park Teen Center.** Shawna Burkhart, City Manager

Motion made by Councilwoman Sitz to table till the second meeting in January, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried.

- 19. Presentation ~ Review and discuss Council Meeting schedule for 2023.**

Jeanna Thompson, City Secretary, reviewed with Council the meeting schedule for 2023. Scheduled December 26th meeting to be re-scheduled to December 19th.

### **CLOSED / EXECUTIVE SESSION**

Council adjourned to go into an executive session at 7:45 pm.

- 20. Executive Session pursuant to Section 551.071(2) of the Texas Government code (Consultation with Counsel on legal matters).**

### **RECONVENE AND ACTION**

Council reconvened at 8:08 pm and took no action.

### **ITEMS / COMMENTS & FROM MAYOR, COUNCIL MEMBERS AND CITY MANAGER**

Councilman Finlay and Councilman Westmoreland will not be in attendance for the meeting on the 20th. Shawna Burkhart reminded Council of the City Christmas party this Friday the 9th. Councilwoman Sitz stated that the Christmas Parade was fun and she hopes to get a crew to clean dirt off highway 35.

### **ADJOURNMENT**

Motion made by Councilwoman Brown to adjourn, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Finlay. Motion carried and the meeting adjourned at 8:15 pm.

**PASSED AND APPROVED**, this 20th day of December 2022.

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

\_\_\_\_\_  
JEANNA THOMPSON  
CITY SECRETARY

INTERLOCAL AGREEMENT BETWEEN  
MATAGORDA COUNTY AND CITY OF BAY CITY  
REGARDING THE BAY CITY PUBLIC LIBRARY

THIS INTERLOCAL AGREEMENT (“Agreement”) is made between MATAGORDA COUNTY, having its principal place of business at 1700 7<sup>th</sup> Street, Bay City, Matagorda County, Texas 77414, referred to as “County,” and CITY OF BAY CITY, having its principal place of business at 1901 5<sup>th</sup> Street, Bay City, Matagorda County, Texas, 77414, referred to as “City.”

WITNESSETH:

WHEREAS, Chapter 791, entitled the Interlocal Cooperation Act of the Texas Government Code provides that local governments may contract with one another to increase the efficiency and effectiveness of their governmental services and functions; and

WHEREAS, County and City are separate governmental entities; and

WHEREAS, County and City find it mutually beneficial and in the public interest for County to participate with an established library to provide library services; and

WHEREAS, City has the necessary personnel and is willing to assume the management and operation of the Bay City Public Library; and

WHEREAS, the parties desire to undertake a governmental function or service in which the parties do not have any pecuniary purpose, and there is no profit motive; and the only purpose of the contract is to further the public good; and

WHEREAS, County has authority under Section 323.011 of the Texas Local Government Code to contract with an established library to provide library services within the county.

NOW, THEREFORE, County and City, in consideration of the mutual promises

and covenants contained in this Agreement, do agree as follows with respect to County’s contribution to the operation of the Bay City Public Library:

ARTICLE 1. LEGAL AUTHORITY

Each party warrants that it possesses adequate legal authority to enter into this Agreement. The governing body of each party has authorized its respective signatory officials to enter into this Agreement and bind each party to the terms of this Agreement and any subsequent amendments thereto.

ARTICLE 2. APPLICABLE LAW

County and City agree to conduct all activities under this Agreement in accordance with all applicable rules, regulations, ordinances and laws in effect or promulgated during the term of this Agreement.

ARTICLE 3. WHOLE AGREEMENT

This Agreement, as provided herein, constitutes the complete agreement between the parties hereto, and supersedes any and all oral and written agreements between the parties relating to matters herein. Except as otherwise provided herein, this Agreement cannot be modified without written consent of the parties.

ARTICLE 4. TERM OF AGREEMENT

This Agreement is effective for the term beginning January 1, 2023, through December 31, 2023. The term may be extended for an additional term or terms upon the Agreement of the parties which agreement shall be in writing signed by the parties on or before the last day of the term or any extensions thereof.

ARTICLE 5. SCOPE OF AGREEMENT

This Agreement covers the annual amount that County will pay to the City out of the general fund of the county to provide library services at the Bay City Public Library.

#### ARTICLE 6. PAYMENTS FROM CURRENT REVENUES

County shall make all payments pursuant to this agreement from current revenues available to County in accordance with § 791.011 of the Texas Government Code.

#### ARTICLE 7. CONTROL, DIRECTION AND MANAGEMENT

By entering into this Agreement, the parties do not intend to form a joint enterprise.

At no time will the parties have an equal or mutual right of control. At all times City reserves its superior right to control the direction and management of the enterprise solely for liability purposes under this Agreement and/or solely by virtue of the City's undertaking the responsibility of managing the Bay City Public Library.

#### ARTICLE 8. GENERAL DUTIES OF COUNTY AND CITY

County shall provide funding in the amount of \$200,000.00 in 2023, subject to budget approval of the Matagorda County Commissioners Court. County's involvement in the library is limited to providing funding. County shall have no responsibility for performing any other duties or providing any other resources.

Payment will be made by County in equal quarterly payments made on or before January 31<sup>st</sup>, April 30<sup>th</sup>, July 31<sup>st</sup> and October 31<sup>st</sup>, and mailed to City at the address provided below.

This obligation is contingent on the City managing and operating the library. In the event the City does not manage and operate the library, then County will cease contributions immediately.

#### ARTICLE 9. DUTIES OF COUNTY AND CITY FOR SARGENT BRANCH

County shall provide space for the Sargent Library within the VFW building, 20305 FM 457 Hwy, Bay City, TX 77414, owned by County. The space allocated to the Sargent Library is reflected in the diagram attached as Exhibit.

County shall manage the project including, but not limited to, conducting, coordinating, and scheduling project activities and assuring quality control.

County shall maintain documentation and records for the improvements and provide them to the City and/or Friends of the Sargent Library upon request.

County shall conduct renovations according to the designs prepared and approved by the City. If an issue arises with the design, the County shall obtain the City's approval for changes.

County shall be responsible for the maintenance and repairs of the building.

County will provide property coverage for the building and County contents. The County will not be liable for any loss, damage or theft of any property of the City or others kept or stored in the library space.

City shall be responsible for the cost of any repairs to the premises or damages caused by misuse or negligence of the library employees or their guests or invitees.

City shall be responsible for maintaining their area neat and orderly. City shall be responsible for the electricity on the library space.

ARTICLE 10. CHANGES AND AMENDMENTS

Any alterations, additions, or deletions to the terms of this Agreement which are required by changes in federal and state law or regulations are automatically incorporated into this Agreement without written amendment hereto, and shall become effective on the date designated by such law or regulations.

The parties hereto may alter or amend this Agreement. Such amendments that are mutually agreed upon by City and County in writing shall be incorporated into this Agreement.

ARTICLE 11. SEVERABILITY

All parties agree that should any provision of this Agreement be determined to be invalid or unenforceable, such determination shall not affect any other term of this Agreement, which shall continue in full force and effect.

ARTICLE 12. TITLES NOT RESTRICTIVE

The titles assigned to the various sections of this Agreement are for convenience only and are generally descriptive of the matters following. Titles shall not be considered restrictive of the subject matter of any section or part of this Agreement.

ARTICLE 13. VENUE

Venue and jurisdiction of any suit, or cause of action arising under or in connection with this Agreement shall lie exclusively in Matagorda County, Texas.

ARTICLE 14. NOTICES

All notices required by this Agreement shall be delivered in person or by United States mail, postage prepaid, and shall be addressed:

To Matagorda County:

Matagorda County  
Attn: County Judge  
1700 7<sup>th</sup> Street, Room 301  
Bay City, Texas 77414

To Bay City:

City of Bay City  
Attn: Robert K. Nelson  
1901 5<sup>th</sup> Street  
Bay City, Texas 77414

[SIGNATURE PAGE FOLLOWS]

AGREED to and ADOPTED by the Commissioners Court of Matagorda Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:

MATAGORDA COUNTY

\_\_\_\_\_  
STEPHANIE WURTZ  
COUNTY CLERK

\_\_\_\_\_  
By: NATE MCDONALD  
COUNTY JUDGE

AGREED to and ADOPTED by governing body of the City of Bay City on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

ATTEST:

CITY OF BAY CITY

\_\_\_\_\_  
JEANNA THOMPSON  
CITY SECRETARY

\_\_\_\_\_  
By: ROBERT K. NELSON  
MAYOR



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

## AGENDA ITEM SUBMISSION FORM

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

**Requestor Name:** Denbow, Samantha **Date Submitted:** 12/13/2022  
*Last, First* *MM/DD/YYYY*

**Requestor Type :** City Staff **Meeting Date:** 12/20/2022  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** Library Director  
*For City Staff Only*

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

### Agenda Content:

**Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Matagorda County for library services for the 2023 year.**

### Executive Summary of Item:

**BACKGROUND:** The City assumes the Management & Operation of the Bay City Public Library and the Sargent Library. Both locations benefit the County residents. In return, the County provides funding each year. The agreement is effective January 1, 2023 through December 31, 2023

**FINANCIAL IMPLICATIONS:** County contributes \$200,000.

**IMPACT ON COMMUNITY SUSTAINABILITY:** The Bay City Library is an active and responsive part of the community by supporting citizens, local businesses & institutions through its numerous events and programs. The Library leads as a Civic Educator, Conversation Starter, Community Bridge, & Visionary.

**RECOMMENDATION:** Staff recommends City Council approve the Interlocal Agreement

**ATTACHMENTS:** Interlocal Agreement.



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**Requestor Name:** Rodriguez, Christella **Date Submitted:** 12/4/22  
*Last, First* *MM/DD/YYYY*

**Requestor Type:** City Staff **Meeting Date:** 12/22/22  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** Chief of Police  
*For City Staff Only*

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

**Agenda Content: MOU Bay City School District Police Dept. and Bay City PD**

**DISCUSS, CONSIDER, AND/OR APPROVE**

**APPROVE**

**Executive Summary of Item:**

Tx Education Code Section 37.081 requires a school district police department and the law enforcement agencies with which it has overlapping jurisdiction enter into a memorandum of understanding that outlines reasonable communication and coordination of efforts between both departments.



**MEMORANDUM OF UNDERSTANDING**  
**Bay City Independent School District Police Department and**  
**Bay City Police Department**

**JURISDICTIONAL MEMORANDUM OF UNDERSTANDING BETWEEN**  
**BAY CITY INDEPENDENT SCHOOL DISTRICT POLICE DEPARTMENT**  
**AND CITY OF BAY CITY POLICE DEPARTMENT**

The Texas Education Code Section 37.081 requires a school district police department and the law enforcement agencies with which it has overlapping jurisdiction enter into a memorandum of understanding ("MOU") that outlines reasonable communication and coordination of efforts between the department and the agencies. This document shall serve as the MOU addressing those requirements between the Bay City ISD Police Department and the City of Bay City Police Department.

The Bay City ISD Police Department has significantly expanded its ability to investigate criminal activities occurring within its jurisdiction. The primary duties of police officers commissioned by the Bay City Independent School District are as follows:

- Endeavor to provide a safe and secure environment for students, staff, and citizens while those persons that are participating in or attending school sponsored activities which include, but not limited to, extracurricular activities, students in transit to and from school in a District vehicle, or any other school-sponsored or school related activity on or off campus.
- Protect the property of the District including real and personal property located inside and outside the boundaries of the District that is owned, leased, rented, or otherwise under the control of the District (hereinafter "Bay City ISD Property").
- Endeavor to protect the personal property of those individuals engaged in school sponsored or school related activities. These duties shall be performed throughout the entire territory within the geographical boundaries or jurisdiction of the Bay City Independent School District or within the State of Texas while those individuals are under the direct supervision of the District. This Agreement includes all current and future schools that are located within the overlapping jurisdiction of the City of Bay City, Texas.

1. Bay City Independent School District Police Department and the City of Bay City will have concurrent jurisdiction on Bay City ISD property within the city limits of the City of Bay City, Texas.

2. Bay City ISD Police will have primary jurisdiction and responsibility for all offenses that occur on property located within the geographical boundaries of the Bay City ISD. In addition, Bay City ISD Police will be responsible for investigating all traffic accidents that occur on school property as well as all other accidents involving District vehicles regardless of where the accident occurs.

3. The Bay City ISD Police Department has primary jurisdiction over all bomb threats to Bay City ISD property. These threats will only be reported to the Bay City Fire Department if assistance is needed in disposing of any suspicious incendiary devices.

4. If any assistance is needed, or if a major crime scene or a critical incident develops inside school district boundaries, the City of Bay City Police Department will be called upon to assist. The City of Bay City Police Department supports all command and authority during these types of major incidents. Bay City ISD Police will assist and agree with the City of Bay City Police Incident Commander.

5. If any assistance is needed, or if a major crime scene or a critical incident develops outside of the school district boundaries. The Bay City ISD Police Department can be called upon to assist. The Bay City ISD Police Department will support all command and authority from the Chief of Police and or Incident Commander during these types of major incidents.

6. The City of Bay City Police Department agrees to comply with notification of Criminal activities involving students enrolled in Bay City ISD schools pursuant to Article 15 .27 of the Texas Code of Criminal Procedures.

7. Bay City ISD agrees to become compliant with the National Incident Management System (NIMS) as set forth by the Department of Homeland Security within the initial term of this agreement.

8. In the event that any person performing law enforcement, police protection or detention services pursuant to this Agreement shall be cited as a party to any civil lawsuit, state or federal, arising out of the performance of those services, such person shall be entitled to the same benefits that he would be entitled to receive if such civil action had arisen out of the performance of his duties as a member of the department where he is regularly employed and in the jurisdiction of the member by which he is regularly employed. To the extent provided by law, each party to this Agreement expressly waives all claims against every other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of the Agreement, except for acts in violation of law.

9. Third party claims against either party to this agreement shall be governed by the Texas Tort Claims Act or other appropriate statutes, ordinances or laws of the State of Texas and the United States.

10. It is expressly understood and agreed that, in the execution of this Agreement, no party waives, nor shall be deemed hereby to waive, an immunity or defense that would otherwise be available to it against claims arising in the exercise of governmental powers and functions.

11. The term of this Agreement shall be for a period of two (2) calendar year from the date of execution of this Agreement by both parties. This Agreement shall renew annually for successive two ( 2 ) year periods, unless otherwise terminated in writing by either party with at least thirty (30) days written notice prior to the renewal date. This particular Agreement may be terminated at any time with or without cause, subject to Texas Education Code 37.081 (g) which requires a school district police department and the law enforcement agencies with which it has overlapping jurisdiction to enter a memorandum of understanding outlining reasonable communication and coordination efforts between the department and the agency.

12. It is understood that nothing in this agreement impacts the jurisdiction of the criminal courts, including the Bay City Municipal Court, as it relates to the filing and prosecution of offenses occurring on the property of Bay City

ISD campuses in the city limits of Bay City, Matagorda County, Texas. The renewal date shall be calculated using the date of execution of the Agreement by both parties. Notice, for the purpose of termination, shall be to the Chief of Police for the City of Bay City and the Superintendent for the Bay City ISD, Pursuant to Section 37.081(£) of the Texas Education Code. Notice shall also be provided to the Bay City ISD Chief of Police.

**AGREED TO:**

By: \_\_\_\_\_, Mayor of Bay City, Texas  
Robert K. Nelson

Date: \_\_\_\_\_

By: Christella Rodriguez, Chief of Police, Bay City, Texas  
Christella Rodriguez

Date: 12-1-22

By: \_\_\_\_\_, Superintendent, Bay City ISD, Bay City, Texas  
Dr. Dwight McHazlet

Date: \_\_\_\_\_

By: \_\_\_\_\_, Chief of Police, Bay City ISD, Bay City, Texas  
Leroy C. Cunningham Jr.

Date: \_\_\_\_\_



**CITY OF BAY CITY**  
 1901 FIFTH STREET  
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**Requestor Name:** Calhoun, Barry **Date Submitted:** 12/14/2022  
*Last, First* *MM/DD/YYYY*

**Requestor Type:** City Staff **Meeting Date:** 12/20/2022  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** Director of Public Works  
*For City Staff Only*

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

### Agenda Content:

**DISCUSS, CONSIDER, AND/OR SELECT LEM CONSTRUCTION FOR THE WASTEWATER TREATMENT PLANT REHAB PROJECT UNDER THE TEXAS WATER DEVELOPMENT BOARD FUNDING FOR THE CLEAN WATER SRF PROECTS AND AUTHORIZE THE MAYOR AND/OR CITY MANAGER TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND LEM CONSTRUCTION.**

### Executive Summary of Item:

The Clean Water State Revolving Fund, authorized by the Clean Water Act, provides low-cost financial assistance for planning, acquisition, design, and construction of wastewater, reuse, and stormwater infrastructure. Eligible applicants for the CWSRF include cities, counties, districts, river authorities, designated management agencies, authorized Indian tribal organizations, and public and private entities proposing nonpoint source or estuary management projects

The City of Bay City was awarded \$36,400,00 in funding from the Texas Water Development Board (TWDB) to make critical improvements to the City's wastewater systems. These improvements will include upgrades to our existing wastewater treatment plant, wastewater lift stations, and wastewater collection system.

This agenda item is to select a contractor based on best value to assist the City and Garver to perform value engineering to begin construction on the most critical components of the Wastewater Treatment Plant Rehab Project.

As a result of the contractor selection process, it is staff's recommendation to select LEM Construction to move forward with this project.

**Bid Tabulation**

Project	Bay City WWTP Improvements
Project No.	20W09156
Date of Bid	September 29, 2022

Cash Allowance		
Item No.	Description	Allowance
1	Pre-negotiated firm price for Screens and Washer/ Compactors	\$ 675,000
2	Pre-negotiated firm price for Submersible Pumps and Dry-Pit Submersible	\$ 443,000
<b>Lump Sum for Cash Allowances</b>		<b>\$ 1,118,000</b>
Contingency Allowance		
Item No.	Description	Allowance
1	Work Change Directives	\$ 1,000,000
2	Security/ Camera System	\$ 150,000
3	Power Company and other Utility Company Utility Work	\$ 250,000
4	Structural Repairs	\$ 300,000
5	Startup, Commissioning, and Additional Bypass	\$ 300,000
6	Office Furniture	\$ 200,000
7	Additional Field Trailer Equipment for Construction Observer	\$ 25,000
8	Temporary Power for Maintenance of Plant Operations	\$ 275,000
<b>Lump Sum for Contingency Allowances</b>		<b>\$ 2,500,000</b>
<b>Flintco Industrial</b>		<b>LEM Construction</b>

WWTP Improvement Base Proposal									
Item No.	Description	Quantity	Units	Unit Price	Price	Quantity	Units	Unit Price	Price
1	Offsite Cottonwood Lift Station Improvements	1	LS	\$ 1,038,700.00	\$ 1,038,700.00	1	LS	\$ 1,000,000.00	\$ 1,000,000.00
2	WWTP Improvements	1	LS	\$ 63,319,800.00	\$ 63,319,800.00	1	LS	\$ 51,900,000.00	\$ 51,900,000.00
3	Administration Building	1	LS	\$ 3,311,300.00	\$ 3,311,300.00	1	LS	\$ 3,400,000.00	\$ 3,400,000.00
4	Trench Safety	5000	LF	\$ 10.00	\$ 50,000.00	5000	LF	\$ 1.00	\$ 5,000.00
5	Additional 8-Hour Days of Vendor Training	10	Days	\$ 1,500.00	\$ 15,000.00	10	Days	\$ 2,500.00	\$ 25,000.00
6	Additional Removal and Disposal of Accumulated Solids	200	Wet tons	\$ 275.00	\$ 55,000.00	200	Wet tons	\$ 350.00	\$ 70,000.00
7	Concrete Crack Injection	2500	LF	\$ 62.00	\$ 155,000.00	2500	LF	\$ 60.00	\$ 150,000.00
8	Low Pressure Concrete Spray Mortar	5000	SF	\$ 17.00	\$ 85,000.00	5000	SF	\$ 17.00	\$ 85,000.00
9	High Pressure Water Blasting	5000	SF	\$ 1.00	\$ 5,000.00	5000	SF	\$ 1.00	\$ 5,000.00
<b>WWTP Improvement Total Base Proposal Price</b>				<b>\$</b>	<b>68,034,800.00</b>	<b>\$</b>			<b>56,640,000.00</b>

Trunk Sewer Rehabilitation Base Proposal									
Item No.	Description	Quantity	Units	Unit Price	Price	Quantity	Units	Unit Price	Price
1	Manhole Coating	500	VF	\$ 685.00	\$ 342,500.00	500	VF	\$ 460.00	\$ 230,000.00
2	Manhole Adjustment	7	EA	\$ 2,000.00	\$ 14,000.00	7	EA	\$ 1,100.00	\$ 7,700.00
3	36" CIPP Liner	2100	LF	\$ 272.00	\$ 571,200.00	2100	LF	\$ 320.00	\$ 672,000.00
4	30" CIPP Liner	1200	LF	\$ 232.00	\$ 278,400.00	1200	LF	\$ 270.00	\$ 324,000.00
5	27" CIPP Liner	1400	LF	\$ 215.00	\$ 301,000.00	1400	LF	\$ 210.00	\$ 294,000.00
6	36" Vinyl Ester CIPP Liner	950	LF	\$ 345.00	\$ 327,750.00	950	LF	\$ 450.00	\$ 427,500.00
7	30" Vinyl Ester CIPP Liner	120	LF	\$ 325.00	\$ 39,000.00	120	LF	\$ 610.00	\$ 73,200.00
8	Trench Safety	20	LF	\$ 150.00	\$ 3,000.00	20	LF	\$ 60.00	\$ 1,200.00
9	Open Cut Replace 20 LF of 27" RCP with 27" PVC-SDR 26	1	EA	\$ 20,000.00	\$ 20,000.00	1	EA	\$ 25,000.00	\$ 25,000.00
10	Flow Management	1	LS	\$ 302,000.00	\$ 302,000.00	1	LS	\$ 615,000.00	\$ 615,000.00
11	Pre-Construction Video Documentation	5770	LF	\$ 12.50	\$ 72,125.00	5770	LF	\$ 15.00	\$ 86,550.00
12	Site Restoration	5770	LF	\$ 35.00	\$ 201,950.00	5770	LF	\$ 5.00	\$ 28,850.00
13	Asphalt Pavement Replacement Including Base and Subgrade	50	SY	\$ 350.00	\$ 17,500.00	50	SY	\$ 105.00	\$ 5,250.00
14	Concrete Pavement Replacement Including Base and Subgrade	12	SY	\$ 650.00	\$ 7,800.00	12	SY	\$ 205.00	\$ 2,460.00
15	Stabilized Construction Entrance	750	SY	\$ 90.00	\$ 67,500.00	750	SY	\$ 30.00	\$ 22,500.00
16	Stormwater Pollution Prevention Plan	1	LS	\$ 15,000.00	\$ 15,000.00	1	LS	\$ 10,000.00	\$ 10,000.00
17	Traffic Control Plan	1	LS	\$ 4,000.00	\$ 4,000.00	1	LS	\$ 25,000.00	\$ 25,000.00
18	Dewatering Along Project Limits	1	LS	\$ 44,000.00	\$ 44,000.00	1	LS	\$ 20,000.00	\$ 20,000.00
19	Manhole Drop (4")	3	EA	\$ 2,500.00	\$ 7,500.00	3	EA	\$ 5,000.00	\$ 15,000.00
20	Manhole Drop (8")	1	EA	\$ 4,500.00	\$ 4,500.00	1	EA	\$ 6,000.00	\$ 6,000.00
21	Remove and Reinstall Fence	100	LF	\$ 40.00	\$ 4,000.00	100	LF	\$ 50.00	\$ 5,000.00
22	Mobilization	1	LS	\$ 75,000.00	\$ 75,000.00	1	LS	\$ 170,000.00	\$ 170,000.00
23	Heavy Pipe Cleaning	5770	LF	\$ 12.50	\$ 72,125.00	5770	LF	\$ 15.00	\$ 86,550.00
24	Extra Polymer Concrete Manholes	2	EA	\$ 35,000.00	\$ 70,000.00	2	EA	\$ 20,000.00	\$ 40,000.00
<b>Trunk Sewer Rehabilitation Total Base Proposal Price</b>				<b>\$</b>	<b>2,861,850.00</b>	<b>\$</b>			<b>3,192,760.00</b>

WWTP Improvement Proposal Alternatives			
Alternative	Description	Alternate Price	Alternate Price
CWLS1	Cottonwood Lift Station Top Slab Replacement and Associated Upgrades	\$ 301,370.00	\$ 140,000.00
WW1	Deductive alternative for deletion of new Administration Building	\$ (3,311,300.00)	\$ (3,400,000.00)
WW2	Alternative to install PVC yard piping in lieu of ductile iron	Base Bid	No Bid
WW3	Alternative to install Centrifugally Cast Fiber Reinforced Polymer Mortar (CCFRPM) piping in lieu of ductile iron	No Bid	No Bid

Trunk Sewer Rehabilitation Proposal Alternates			
Alternative	Description	Alternate Price	Alternate Price
TS1	Deductive alternate to remove all Trunk Sewer Rehabilitation	\$ (2,861,850.00)	\$ (3,192,760.00)
TS2	Alternate to reduce Trunk Sewer Rehabilitation Scope	\$ (544,485.00)	\$ (1,171,550.00)

Trunk Sewer Rehabilitation Alternate No. 2 Proposal Price Items (TS2)									
Item No.	Description	Quantity	Units	Unit Price	Price	Quantity	Units	Unit Price	Price
1	Manhole Coating	30	VF	\$ 750.00	\$ 22,500.00	30	VF	\$ 1,500.00	\$ 45,000.00
2	Manhole Adjustment	3	LF	\$ 2,000.00	\$ 6,000.00	3	LF	\$ 1,200.00	\$ 3,600.00
3	30" CIPP Liner	350	LF	\$ 265.00	\$ 92,750.00	350	LF	\$ 720.00	\$ 252,000.00
4	27" CIPP Liner	620	LF	\$ 238.00	\$ 147,560.00	620	LF	\$ 520.00	\$ 322,400.00
5	Trench Safety	20	LF	\$ 150.00	\$ 3,000.00	20	LF	\$ 65.00	\$ 1,300.00
6	Open Cut Replace 20 LF of 27" RCP with 27" PVC-SDR 26	1	EA	\$ 20,000.00	\$ 20,000.00	1	EA	\$ 2,600.00	\$ 2,600.00
7	Flow Management	1	LS	\$ 94,000.00	\$ 94,000.00	1	LS	\$ 240,000.00	\$ 240,000.00
8	Pre-Construction Video Documentation	5770	LF	\$ 12.50	\$ 72,125.00	5770	LF	\$ 15.00	\$ 86,550.00
9	Site Restoration	970	LF	\$ 15.00	\$ 14,550.00	970	LF	\$ 10.00	\$ 9,700.00
10	Asphalt Pavement Replacement Including Base and Subgrade	15	SY	\$ 650.00	\$ 9,750.00	15	SY	\$ 110.00	\$ 1,650.00
11	Concrete Pavement Replacement Including Base and Subgrade	15	SY	\$ 650.00	\$ 9,750.00	15	SY	\$ 210.00	\$ 3,150.00
12	Stabilized Construction Entrance	120	LS	\$ 100.00	\$ 12,000.00	120	LS	\$ 30.00	\$ 3,600.00
13	Stormwater Pollution Prevention Plan	1	LS	\$ 3,500.00	\$ 3,500.00	1	LS	\$ 10,000.00	\$ 10,000.00
14	Traffic Control Plan	1	LS	\$ 3,500.00	\$ 3,500.00	1	LS	\$ 25,000.00	\$ 25,000.00
15	Dewatering Along Project Limits	1	LS	\$ 14,000.00	\$ 14,000.00	1	LS	\$ 20,000.00	\$ 20,000.00
16	Manhole Drop (4")	1	EA	\$ 4,500.00	\$ 4,500.00	1	EA	\$ 5,000.00	\$ 5,000.00
17	Mobilization	1	LS	\$ 15,000.00	\$ 15,000.00	1	LS	\$ 140,000.00	\$ 140,000.00
<b>Total Trunk Sewer Rehabilitation Alternate No. 2 (TS2) Proposal Price</b>					<b>\$ 544,485.00</b>	<b>\$</b>	<b>\$ 1,171,550.00</b>		<b>\$ 1,171,550.00</b>

Major Equipment Alternate Item			
Alternative	Description	Amount (Added/Deducted From Base Bid)	Amount (Added/Deducted From Base Bid)
ME1	Lone Star Aeration Blowers	Base Bid	Base Bid
ME1	Gardner Denver	No Bid	No Bid
ME1	Continental	\$ 157,890.00	\$ 125,000.00
ME2	WesTech	Base Bid	Base Bid
ME2	Ovivo	No Bid	No Bid
ME2	Walker Process	\$ 495,130.00	\$ 500,000.00
ME3	Fournier	Base Bid	Base Bid
ME3	Prime Solutions, Inc. (PSI)	\$ 995,325.00	\$ 1,050,000.00

Overall Project Proposal Summary			
Base Proposal Component	Description	Proposal Total	Proposal Total
5.01	Cash Allowances	\$ 1,118,000.00	\$ 1,118,000.00
5.02	Contingency Allowances	\$ 2,500,000.00	\$ 2,500,000.00
5.03	WWTP Improvements Base Proposal	\$ 68,034,800.00	\$ 56,640,000.00
5.04	Trunk Sewer Rehabilitation	\$ 2,861,860.00	\$ 3,192,760.00
<b>Overall Project Base Proposal</b>		<b>\$ 74,514,660.00</b>	<b>\$ 63,450,760.00</b>

Adjustments for Alternates and Major Equipment Alternates					
Base Proposal Component	Description	Proposal Total	Accepted?	Proposal Total	Accepted?
5.05 CWLS1	Adjustment for Alternate to perform Cottonwood LS Top Slab and Associated Repairs	\$ 301,370.00	Yes	\$ 140,000.00	Yes
5.05 WW1	Adjustment for Deletion of Administration Building	\$ (3,311,300.00)	Yes	\$ (3,400,000.00)	Yes
5.05 WW2	Adjustment for Alternate to install PVC yard piping in lieu of ductile iron	Base Bid	No	No Bid	No
5.05 WW3	Adjustment for Alternate to install CCFRPM piping in lieu of ductile iron	No Bid	No	No Bid	No
5.05 TS1	Adjustment for Deletion of Trunk Sewer Repairs	\$ (2,861,850.00)	Yes	\$ (3,192,760.00)	Yes
5.05 TS2	Adjustment, in combination with 5.05 TS1, for Modified Trunk Sewer Repair Scope	\$ (544,485.00)	No	\$ (1,171,550.00)	No
5.06 ME1	Adjustment for Alternate Blower/ Blower Control System Manufacturer from Base Proposal	\$ 157,890.00	No	\$ 125,000.00	No
5.06 ME2	Adjustment for Alternate Clarifier Mechanism Manufacturer from Base Proposal	\$ 495,130.00	No	\$ 500,000.00	No
5.06 ME3	Adjustment for Alternate Rotary Fan Press and Appurtenances from Base Proposal	\$ 995,325.00	No	\$ 1,050,000.00	No
<b>Overall Project Adjusted Proposal</b>		<b>\$ 68,642,880.00</b>	<b>\$</b>	<b>\$ 56,998,000.00</b>	<b>\$ 56,998,000.00</b>

Rating Category	Category Description	Points	Flintco		LEM		
			Value	Score	Value	Score	
i	<b>Cost:</b> Offeror's proposed costs for the Total Base Proposal Price as shown in Article 5 of the Proposal Form.	50	\$ 68,642,880	42	\$ 56,998,000	50	
ii	<b>Experience/Past Performance of Offeror with Similar Projects:</b> Evaluation of the Offeror's experience and past performance on similar size and scope projects within an area of 175 miles of the plant site over the past five years. The Qualifications of Offeror will be evaluated based on the Offeror Qualifications Statement (Section 00 45 13) and Project Approach with supporting data.	15		12		15	
iii	<b>Experience and Qualifications of Proposed Key Personnel with Similar Projects:</b> Evaluation of the Offeror's key personnel, such as project manager and project superintendent. Evaluation will be based on the experience of the personnel on similar projects and performance on projects within the past ten years. The Qualifications of Offeror will be evaluated based on the Offeror Qualifications Statement (Section 00 45 13) and Project Approach with supporting data.	15		14		14	
iv	<b>Experience/Past Performance of Offeror's Proposed Major Subcontractors with Similar Projects:</b> Evaluation of the Offeror's Major Subcontractors, such as the electrical, instrumentation and controls. Evaluation will be based on the experience of the subcontractor on similar projects, performance on projects within the past five years, and the demonstrated experience of the offeror in working with the subcontractor. The Qualifications of Offeror/Subcontractors will be evaluated based on the Offeror Qualifications Statement (Section 00 45 13), List of Proposed Subcontractors (Section 00 41 19), and Project Approach with supporting data.	10		7		8	
v	<b>Approach and Proposed Project Schedule:</b> Evaluation of the Offeror's understanding of the project, project schedule, and familiarity with construction constraints through demonstrated understanding in the project approach and proposed schedule. Schedule from Notice to Proceed through Acceptance Testing and Final Completion as shown in Article 9 of the Proposal Form. The Approach will be evaluated based on the Offeror Qualifications Statement (Section 00 45 13), and Project Approach with supporting data.	10		8		10	
<b>Total</b>				<b>83</b>	<b>Total</b>		<b>97</b>



**CITY OF BAY CITY  
VARIANCE REQUEST**

1901 5th Street  
Bay City, TX 77414  
(979) 245-5311  
(979) 323-1681 fax

All requests for a variance shall be filed with the City Secretary. Each request shall be accompanied by a \$75.00 filing fee, a drawing/illustration depicting the property affected by the request, and any additional supplemental documentation that you want the Variance Committee to consider. **Incomplete requests will not be accepted.**

Date: 12/12/2022

Name of Requestor (please print): Benjamin Flores

Address of Requestor: 2500 Hamman Rd Phone Number: 512.987.3585

Email Address: bajaguy@gmail.com

Address of subject property: 2500 Hamman Rd

Legal description of subject property: \_\_\_\_\_

Section(s) of the City's Code of Ordinances from which the variance is being sought:

Sec. 14-5 of the Code of Ordinances

Sec. \_\_\_\_\_ of the Code of Ordinances

Sec. \_\_\_\_\_ of the Code of Ordinances

In detail, please state the reason for the request: \_\_\_\_\_

We request that we are allowed to raise pastured pigs within city limits...

Detailed info on page 2

The Variance Committee will consider variance requests from the following:

- (a) Ch. 22 (Buildings and Building Regulations)
- (b) Ch. 46 (Flood Damage Prevention)
- (c) Ch. 54 (Mobile Homes, etc.)
- (d) Ch. 78 (Off Street Parking (Angle Parking))

- (e) Ch. 94 (Streets, Sidewalks and Other Public Places)
- (f) Ch. 98, Sec. 98-122 – Subdivision Streets
- (g) Ch. 110, Sec. 110-178 (Traffic and Vehicles (Angle Parking)).

Otherwise, the Planning Commission will consider the variance request.

Decisions of the Variance and Planning Committees shall be filed with the City Secretary's Office and promptly reported to the requestor. All decisions may be appealed to the City Council.

*Benjamin Flores*

Requestor Signature

We request that we are allowed to raise pastured pigs within city limits. We have done extensive research, visited small scale pig operations, consulted experts at TAMU and a local veterinarian. We're working with the pig specialist (PhD) at TAMU to obtain a grant to do pastured pork research. Only a small group of pigs will be kept here, and once piglets are weaned off, they'll be transferred off-site to reach market weight. The pigs will not be confined, as is the general practice, but rotated every 2-4 weeks to a new paddock, within our 10 acres. This will mitigate odors, diseases, and parasites. Biosecurity practices will be in place to protect both the herd, us, and the community at large. The goal is to ultimately create a premium brand of pork products, with a projected revenue of \$6k per pig.

*Benjamin Flores*

12/12/2022



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

## AGENDA ITEM SUBMISSION FORM

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

**Requestor Name:** Lopez **Date Submitted:** 12/14/2022  
*Last, First* *MM/DD/YYYY*

**Requestor Type:** City Staff **Meeting Date:** 12/20/2022  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** Engineering Tech  
*For City Staff Only*

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

### Agenda Content:

**DISCUSS, CONSIDER, AND/OR APPROVE THE SELECTING AN ADMINISTRATION/PROJECT DELIVERY SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT IMPLEMENTATION FOR THE TEXAS HAZARD MITIGATION ASSISTANCE PROGRAM.**

### Executive Summary of Item:

FEMA provides federal funds for the Building Resilient Infrastructure and Communities (BRIC) grant program to state, local, tribal and territorial governments for hazard mitigation activities, including capacity and capability activity types and hazard mitigation projects. For Fiscal Year (FY) 2022, FEMA will distribute up to \$2.295 billion for the BRIC program.

Eligible activities the City intends to seek funding for includes flood risk reduction projects, to lessen the frequency or severity of flooding, and soil & slope stabilization projects.

The City of Bay City sent a Request for Proposals for the Hazard Mitigation Assistance program. The requests were sent on November 16, 2022, with a deadline of December 5, 2022. Only one proposal from an administrator was received from the firm GrantWorks.

The Proposal was reviewed by the Selection Committee and determined to satisfy the selection criteria in the RFP. It is staff's recommendation to award GrantWorks administration services for this grant.

**RESOLUTION R-2022-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER FOR THE HAZARD MITIGATION ASSISTANCE (HMA) PROGRAM(S) FUNDED THROUGH THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) AND/OR TEXAS WATER DEVELOPMENT BOARD (TWDB).**

**WHEREAS**, participation in HMA program(s) requires implementation by professionals experienced in the administration of federally-funded projects; and

**WHEREAS**, in order to identify qualified and responsive providers for these services a Request for Proposals (RFP) process for administration services has been completed in accordance with the TDA requirements; and

**WHEREAS**, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service giving consideration to ability to perform successfully under the terms and conditions of the proposed procurement, integrity, compliance with public policy, record of past performance, and financial and technical resources.

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

Section 1. That **GrantWorks** is selected to provide application and project-related **administration services** for HMA program(s).

Section 2. That any and all project-related services contracts or commitments made with the above-named service provider are dependent on the successful negotiation of a contract with the service provider.

PASSED AND APPROVED on first and final reading this \_\_\_\_\_day of December 2022.

**CITY OF BAY CITY, TEXAS**

\_\_\_\_\_  
**Robert K. Nelson, Mayor**

**ATTEST:**

**APPROVED as to FORM:**

\_\_\_\_\_  
**Jeanna Thompson, City Secretary**

\_\_\_\_\_  
**Anne Marie Odefey, City Attorney**  
**ROBERTS, ODEFEY, WITTE & WALL, LLP**



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

## AGENDA ITEM SUBMISSION FORM

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**Requestor Name:** Lopez, Gabriel **Date Submitted:** 12/14/2022  
*Last, First* *MM/DD/YYYY*

**Requestor Type:** City Staff **Meeting Date:** 12/20/2022  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** Engineering Tech  
*For City Staff Only*

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

### Agenda Content:

**DISCUSS, CONSIDER, AND/OR APPROVE SELECTING AN ENGINEERING SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT IMPLEMENTATION FOR THE HAZARD MITIGATION ASSISTANCE (HMA) FUNDING ADMINISTERED BY THE TEXAS DIVISION OF EMERGENCY MANAGEMENT AND/OR TEXAS WATER DEVELOPMENT BOARD.**

### Executive Summary of Item:

FEMA provides federal funds for the Building Resilient Infrastructure and Communities (BRIC) grant program to state, local, tribal and territorial governments for hazard mitigation activities, including capacity and capability activity types and hazard mitigation projects. For Fiscal Year (FY) 2022, FEMA will distribute up to \$2.295 billion for the BRIC program.

Eligible activities the City intends to seek funding for includes flood risk reduction projects, to lessen the frequency or severity of flooding, and soil & slope stabilization projects.

The City of Bay City sent out a Request For Qualifications for the Hazard Mitigation Assistance program. The requests were sent on November 16, 2022, with a deadline of December 5, 2022. A Selection Review Committee was appointed to review all qualifications and select an engineering firm.

Three firms submitted qualifications for this project, Urban Engineering, CivilCorp and Lynn Engineering. Urban Engineering was selected by the Selection Review Committee based on the Committee's scoring criteria and it is staff's recommendation to award Urban Engineering to provide engineering services for this grant.

# Scoring Summary

ITEM #10.

Contractor Locality City of Bay City

Grant HMA 2023-2024

\*Please note: If only one submission was received for either service, the submission does not need to be scored. Please just make a note below.

<b>Administrative Firm</b>	<b>Total Score</b>
Grant Works	Single firm to submit proposal.

<b>Engineering Firm</b>	<b>Total Score</b>
Urban Engineering	83+81+77=241
Lynn Engineering	78+79+76=233
Civil Corp	76+74+74=224

Signature:   
Any member of the Selection Review Committee may sign.

Date: 12/14/2022

**RESOLUTION R-2022-\_\_\_\_\_**

**A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER FOR THE HAZARD MITIGATION ASSISTANCE (HMA) PROGRAM(S) FUNDED THROUGH THE TEXAS DIVISION OF EMERGENCY MANAGEMENT (TDEM) AND/OR TEXAS WATER DEVELOPMENT BOARD (TWDB).**

**WHEREAS**, participation in HMA program(s) requires implementation by professionals experienced in the administration of federally-funded projects; and

**WHEREAS**, in order to identify qualified and responsive providers for these services a Request for Qualifications (RFQ) process for engineering services has been completed in accordance with the TDA requirements; and

**WHEREAS**, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service giving consideration to ability to perform successfully under the terms and conditions of the proposed procurement, integrity, compliance with public policy, record of past performance, and financial and technical resources.

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

- Section 1. That **Urban Engineering** is selected to provide application and project-related **engineering services** for HMA program(s).
- Section 2. That any and all project-related services contracts or commitments made with the above-named service provider are dependent on the successful negotiation of a contract with the service provider.

PASSED AND APPROVED on first and final reading this \_\_\_\_\_day of December 2022

**CITY OF BAY CITY, TEXAS**

\_\_\_\_\_  
**Robert K. Nelson, Mayor**

**ATTEST:**

**APPROVED as to FORM:**

\_\_\_\_\_  
**Jeanna Thompson, City Secretary**

\_\_\_\_\_  
**Anne Marie Odefey, City Attorney**  
**ROBERTS, ODEFEY, WITTE & WALL, LLP**



**CITY OF BAY CITY**  
1901 FIFTH STREET  
BAY CITY, TEXAS 77414  
(979) 245-2137  
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## AGENDA ITEM SUBMISSION FORM

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**Requestor Name:** Lopez, Gabriel **Date Submitted:** 12/14/2022  
*Last, First* *MM/DD/YYYY*

**Requestor Type:** City Staff **Meeting Date:** 12/20/2022  
*Citizen/City Staff/Council Member* *MM/DD/YYYY*

**Position Title** Public Works Engineering Tech  
*For City Staff Only*

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

### Agenda Content:

**DISCUSS, CONSIDER, AND/OR APPROVE A RESOLUTION COMMITTING UP TO \$16,499.00 IN CITY FUNDS TOWARDS THE CONSTRUCTION COST OF THE FLOOD AND DRAINAGE IMPROVEMENTS PROJECT, CDBG-DR GLO CONTRACT NO. 20-065-048-C142.**

### Executive Summary of Item:

The GLO administers the Community Development Block Grant Disaster Recovery (CDBG-DR) fund from the U.S. Department of Housing and Urban Development (HUD) on behalf of the state of Texas. The City of Bay City has been awarded funds, for long term disaster recovery, set aside for areas most impacted by Hurricane Harvey. Funds are intended for housing, infrastructure, and planning through state and local programs.

The City of Bay City is directly receiving \$287,006 of these funds for use in the Cottonwood Creek Flood & Drainage Improvements project. The project will install a reinforced galvanized trash screen, two jib cranes with foundations, two hoist and trolley and electrical service drop and meter. Project location is approximately along Avenue F between 8<sup>th</sup> and 10<sup>th</sup> street at the City's diversion channel.

The city awarded JTM Construction's bid on September 13, 2022. Award of the construction bid to JTM Construction LLC for \$243,499.00 puts the city over grant budget by \$16,499.00. Per GLO requirements the city must commit to covering the additional funds over grant budget from the city's General Fund.

**RESOLUTION R-2022-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BAY CITY COMMITTING LOCAL FUNDS FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT DISASTER RECOVERY (CDBG-DR) PROJECT WITH THE GENERAL LAND OFFICE (GLO), STATE CONTRACT NO. 20-065-048-C142**

**WHEREAS**, the City Council of the City of Bay City desires to develop a viable community, including descent housing and a suitable living environment and expanding economic opportunities, principally for persons of low-to-moderate income; and

**WHEREAS**, certain conditions exist related to the damages to the City’s flood and drainage systems that occurred during Hurricane Harvey, which represent a threat to public health and safety; and

**WHEREAS**, it is necessary to include local funds in order to complete the scope of work for the flood and drainage improvements in the project area.

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

- Section 1. That the City commits up to \$16,499 from its General Fund towards the construction cost of the flood and drainage improvement project for the CDBG-DR Contract No. 20-065-048-C142.
- Section 2. That the local funds committed to the CDBG-DR grant will be used in accordance with all applicable federal, state, local and programmatic requirements, including but not limited to procurement, environmental review, labor standards, real property acquisition, and civil rights requirements.

PASSED AND APPROVED on first and final reading this \_\_\_\_\_ day of December 2022.

**CITY OF BAY CITY, TEXAS**

\_\_\_\_\_  
**Robert K. Nelson, Mayor**

**ATTEST:**

**APPROVED as to FORM:**

\_\_\_\_\_  
**Jeanna Thompson, City Secretary**

\_\_\_\_\_  
**Anne Marie Odefey, City Attorney**  
**ROBERTS, ODEFEY, WITTE & WALL, LLP**