



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, September 13, 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."*

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**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. Meeting minutes of Council Workshop meeting on August 23, 2022**
- 2. Meeting minutes of Regular Council Meeting of August 23, 2022**
- 3. City Council Special Called Meeting minutes of September 8, 2022.**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 4. Contract ~ Discuss, consider, and/or award the construction bid for the Hamman Road Drainage Phase 1B Revised Project 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 JTM Construction, LLC. Barry Calhoun, Public Works Director**
- 5. Ordinance ~ Discuss, consider, and/or approve an ordinance granting to AEP Texas Inc., its successors and assigns, a non-exclusive franchise to construct, maintain and operate lines and appurtenances and appliances for conducting electricity in, over, under and through the streets, avenues, alleys and public places of the City of Bay City, Texas. Scotty Jones, Finance Director**
- 6. Report ~ Discuss, consider and review proposed amendments to Appendix B Fee Schedule.**
- 7. Budget ~ Discuss, consider, and/or approve the Bay City Community Development Corporation's Budget for Fiscal Year 2023. Jessica Russell, BCCDC Executive Director**
- 8. Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City, Texas adopting the City of Bay City Five Year Capital Improvement Program. Scotty Jones, Finance Director**
- 9. Ordinance ~ An Ordinance adopting an Operating Budget for the City of Bay City, Texas for Fiscal Year 2023 and all designated, specified, noted, and indicated levies, rates, reserves, revenue provisions, and planned expenditure inherent, expressed, and included therein; providing for a cumulative clause: providing for severability: and providing for an effective date. Scotty Jones, Finance Director**

- 10. Budget ~ Consider, and/or approve a motion to ratify the Property Tax increase reflected in the Budget for the City of Bay City Fiscal Year 2023.** Scotty Jones, Finance Director
- 11. Ordinance ~ An Ordinance adopting the Tax Rate of \$0.63500 per \$100.00 of assessed valuation for the City of Bay City, Texas, for the purpose of paying the current expenses of the City for the Fiscal Year ending September 30, 2022, levying a maintenance and operations rate of \$0.48075 and for the further purpose of creating a sinking fund to retire the principal and interest of the bond indebtedness of the City, levying a debt service rate of \$0.15425; providing for alien on all real and personal property to secure payment of taxes due thereon; providing a severability clause herewith; and providing for an effective date.** Scotty Jones, Finance Director
- 12. Planning ~ Discuss, consider, and/or approve Financial Participation in the Public Improvement of TIRZ #4.** Shawna Burkhart
- 13. Appointment ~ Discuss, consider, and/or approve the appointment of a city representative and an alternate to Houston-Galveston Area Council's 2023 General Assembly.** Robert K. Nelson, Mayor

CLOSED / EXECUTIVE SESSION**RECONVENE AND ACTION****ITEMS / COMMENTS FROM 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, September 9, 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 • AUGUST 23, 2022

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Workshop

5:00 PM

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



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

***Bay City is committed to developing and enhancing the long-term prosperity,
sustainability, and health of the community.***

CALL TO ORDER

The meeting was called to order by Mayor Robert K. Nelson at 5:01 pm.

CERTIFICATION OF QUORUM

Quorum certified.

PRESENT

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

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL

Both Item #1 and 2 were consolidated for discussions. Scotty Jones reviewed the proposed changes in the budget and water rates. Councilman Westmoreland thanked Ms. Jones and Shawna Burkhart, City Manager, for working on the budget and reserve adjustments.

1. **Discuss and consider Utility Rate Study and take any necessary action.**
2. **Discuss, consider, and/or amend the Proposed Budget of the City of Bay City for the 2023 Fiscal Year.**

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and the meeting adjourned at 5:10 pm.

PASSED AND APPROVED, this 13th day of September 2022.

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • AUGUST 23, 2022

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting

6:00 PM

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



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

***Bay City is committed to developing and enhancing the long-term prosperity,
sustainability, and health of the community.***

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."*

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

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

PUBLIC COMMENTS

Bill Key, Shantilly Lane, concerned for people walking along S60 with no public bench to rest.

David Torres, Cottonwood, stated that council does not keep their promises once they get on the bench and that potholes, lights, and tall grass is not being fixed.

Ry Ryman, Chateaux Dr., expressed his concern that the Hamman Road Drainage Project next phase will not start soon enough as they have increased the flow to the bottleneck.

Eddie Douglas, Chaparral Dr., stated that their road is too narrow and has not had any repairs since annexed.

ACKNOWLEDGEMENT FROM CITY MANAGER

Shawna Burkhart, City Manager, announced that Mr. Patrick Smith has been selected as the new Tourism Manager and will introduce him at the next council meeting.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

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

1. **Meeting minutes of Regular Council Meeting of August 9, 2022**
2. **Meeting minutes of Council Workshop meeting on August 9, 2022**
3. **Meeting minutes of Council Workshop meeting on August 11, 2022**
4. **Meeting minutes of Council Workshop meeting on August 16, 2022**

DEPARTMENT REPORTS

5. Public Works Reports.

Barry Calhoun, Public Works Director, presented the departments progress on various projects and work order stats.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

6. Report ~ Presentation of report of findings regarding the keeping of swine within the city limits.

Dotty Grandstaff, Animal Impound Manager and Animal Control Supervisor, provide council her findings regarding the keeping of pigs. Ms. Grandstaff reviewed the environmental and disease concerns. Councilman Westmoreland asked is water wells down the creek could be impacted and Ms. Grandstaff stated she did not know.

7. Presentation ~ Discussions regarding the keeping of swine within city limits.

Chris Bischoff, Country Estate resident, addressed council with concerns of council allowing the pig farm, provided map of neighborhood and area effected by odor carried by wind. Clarence Fenner, also a Country Estate resident, addressed council and asked that they protect his safe space.

8. Variance ~ Discuss, consider, and/or approve a variance to the Animal Ordinance allowing for the raising of pigs.

Benjamin Flores addressed the neighbor's concerns stating he will only have a total of 10 pigs that will rotate on property and has looked into the dangers of diseases transferred to humans and the ag said not much.

Motion made by Councilwoman Sitz to not approve the variance, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and the variance for allowing for the raising of pigs was disapproved.

9. **Bid ~ Discuss, consider, and/or approve the construction bid for the North Drive Drainage Improvements Project 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 Matagorda Construction and Materials.** Barry Calhoun, Public Works Director

Motion made by Councilwoman Brown to approve the construction bid to Matagorda Construction and Materials, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

10. **Ordinance ~ Discuss, consider, and/or approve an Ordinance of the City Council of the City of Bay City, Texas, amending Chapter 22 "Buildings and Building Regulations" of the Code of Ordinance by adopting a new Article XI "Vacant Buildings" to the City of Bay City's Code of Ordinances to provide for the regulation of vacant buildings and property; repealing all related ordinances or parts of ordinances in conflict therewith; providing for a severability clause; providing for publication and prescribing an effective date.** Dan Shook, Fire Marshal

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

11. **Tax ~ Consider placing a proposal to adopt a Tax Rate for the 2023 Fiscal Year as an action item on the agenda of a future Council meeting, specifying therein the desired tax rate and publishing notice thereof.** Scotty Jones, Finance Director

Motion made by Councilman Westmoreland to approve placing a proposal to adopt a tax rate for fiscal year 2023 as an action item on the September 13, 2022 Council agenda with a desired rate of 0.63500 per 100 value and publishing notice thereof, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and council was polled.

12. Tax ~ Consider setting a Public Hearing on the Proposed 2023 Fiscal Year Tax Rate for Thursday, September 8, 2022. Scotty Jones, Finance director

Motion made by Councilwoman Sitz to approve the Public Hearing date for the Tax Rate, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

13. Budget ~ Consider setting a Public Hearing on the City of Bay City's proposed 2023 Fiscal Year Budget and the City of Bay City's Five-Year Capital Improvement Plan for Thursday, September 8, 2022. Scotty Jones, Finance Director

Motion made by Mayor Pro Tem Folse the Public Hearing date for the Proposed 2023 Fiscal Year Budget and five-year Capital Improvement plan, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

14. Budget ~ Consider setting a Public Hearing on the Bay City Community Development Corporation's proposed 2023 Fiscal Year Budget for Thursday, September 8, 2022. Scotty Jones, Finance Director

Motion made by Councilwoman Brown the Public Hearing date for the Bay City Community Development Corporation's Proposed 2023 Fiscal Year Budget, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

15. Records & Archives ~ Discuss, consider, and give staff direction regarding council photo preservation and displays

Jeanna Thompson, City Secretary and Records Manager, discussed the need to preserve and archive the past Mayor and Council photos that are hanging on the walls. Ms. Thompson also stated that there was very limited space to hang any more photos and made some recommendations regarding the displays as well as asking the Historical Commission for assistance. Mayor Pro Tem Folse agreed the photos needed to be preserved and archive but wants all photos displayed and liked the idea of the Historical Commission assistance. Mayor and Council agreed that the photos need to be displayed and asking the Historical Commission for display ideas and all photos to be digitally archived.

CLOSED / EXECUTIVE SESSION

There was no executive session.

ITEMS / COMMENTS FROM MAYOR, COUNCIL MEMBERS AND CITY MANAGER

Councilman Westmoreland expressed gratitude for the mowing done by the Post Office. Councilwoman Sitz asked Ms. Burkhart if we had heard anything from TxDOT on the sidewalk because she knows they are planning begin to start soon and we still do not have easements. Councilwoman Sitz also state that she and Jessica Russell attended the Drainage District meeting working on plan to help organize the process and preliminary drainage from Bold Fox passed. Shawna Burkhart stated that the Planning Commission was meeting on September 8th at 4:00 pm to review the preliminary plat from Bold Fox.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and the meeting adjourned at 7:33 pm.

PASSED AND APPROVED, this 13th day of September 2022.

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • SEPTEMBER 08, 2022

COUNCIL
CHAMBERS | 1901
5th Street

City Council Special Called Meeting

6:00 PM

1901 5TH STREET
BAY CITY TX, 77414



Mayor

Robert K. Nelson

Councilman

Blayne Finlay

Mayor Pro Tem

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

Bay City is committed to developing and enhancing the long-term prosperity, sustainability, and health of the community.

CALL TO ORDER

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

CERTIFICATION OF QUORUM

Quorum certified

PRESENT

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

ABSENT

Councilwoman Floyce Brown
Councilman Blayne Finlay

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

There were no public comments.

PUBLIC HEARINGS

1. **Public Hearing ~ Conduct a public hearing to receive public comment on the Bay City Community Development Corporation proposed Operating Budget for Fiscal Year 2023.**

Scotty Jones, Finance Director, presented and there were no public comments. Major Nelson asked about reason of more surplus was due to Schulman's and Ms. Jones replied that it was.

2. **Public Hearing ~ Conduct a public hearing to receive public comment on the City of Bay City's Proposed Capital Improvement Program.**

Scotty Jones, Finance Director, presented and there were no public comments.

3. **Public Hearing ~ Conduct a public hearing to receive public comment on the City of Bay City's Proposed Budget for Fiscal Year 2023.**

Scotty Jones, Finance Director, presented and there were no public comments. Ms. Jones commented that the biggest change was in the utility fund.

4. Public Hearing ~ Conduct a public hearing to receive public comment on the City of Bay City's proposed Property (Ad Valorem) Tax Rate for Fiscal Year 2023.

Scotty Jones, Finance Director, presented and there were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

5. Budget ~ Discuss, consider, and/or approve postponing the final Budget vote for Fiscal Year 2023 until September 13, 2022.

Motion made by Mayor Pro Tem Folse to approve postponing the final budget vote for fiscal year 2023 until September 13, 2022, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

6. Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City, Texas approving the submission of the "shield Program" Project Grant application under the Criminal Justice Grant with the Office of the Governor, Criminal Justice Division.

Christella Rodriguez, Police Captain, presented the resolution for a grant application, adding that the shields are needed due to active shooters at schools and communities. Captain Rodriguez state that this is 100% funded grant. Councilman Westmoreland asked if we have reached out to the Bay City I.S.D. and Captain Rodriguez stated that they have and offered assistance writing the grant.

Motion made by Mayor Pro Tem Folse to approve the resolution approving the submission of the grant application, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned the regular meeting to convene into an executive session at 6:23 pm.

7. Pursuant to the Texas Government Code Section 551.074 (To discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: Chief of Police

OPEN SESSION

Minutes

City Council Special Called Meeting

September 08, 2022

Council reconvened the regular session at 7:10 pm and took no action on item 7.**ADJOURNMENT**

Motion made by Councilman Westmoreland to adjourn, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and the meeting adjourned at 7:10 pm.

PASSED AND APPROVED, this 13th day of September 2022.

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY



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: Calhoun, Barry **Date Submitted:** 09/7/2022
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 09/13/2022
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 AWARD THE CONSTRUCTION BID FOR THE HAMMAN RD DRAINAGE PHASE 1B REVISED PROJECT 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 JTM CONSTRUCTION, LLC.

Executive Summary of Item:

The Hamman Rd Drainage Project consisted of two phases in which Phase 1a was completed in June 2022. Phase 1a included drainage improvements at the corner of Chateaux Dr. and Hamman Rd, installing culverts along Hamman Rd from the New Haven Two Apartment Complex to Chateaux Dr., and installing culverts and curb inlets in the New Haven Two Apartment Complex parking lot.

The next and final phase, Phase 1b Revised, will include removing & replacing the culvert from Chateaux Dr. to Cottonwood Creek, adding culverts & curb inlets on Holly Ln, and installing culverts along Hamman Rd from Holly Ln to the New Haven Two Apartment Complex.

The purpose of this project is to collect rainfall runoff that travels East from SH60 toward Cottonwood Creek to avoid flooding streets and homes in this neighborhood.

This project is funded through ARPA. It is staff's recommendation to award this bid to JTM CONSTRUCTION, LLC.



6330 West Loop South, Suite 100
Bellaire, Texas 77401
Tel: 713.777.5337
www.quiddity.com

ITEM #4.

August 31, 2022

Mr. Barry Calhoun
Director of Public Works
City of Bay City
1217 Avenue J
Bay City, Texas 77414

Re: Construction of Hamman Road Drainage Improvements Phase 1B Revised
City of Bay City

Dear Mr. Calhoun:

We received bids for the referenced contract on August 31, 2022 at 10:00 AM. Bids were publicly opened and read at that time.

Three (3) reputable contractors submitted proposals for this work. A summary tabulation of the bids is enclosed for your review. JTM Construction, LLC submitted the lowest Base Bid proposal in the amount of \$626,883.10.

We had an irregularity during the bidding process. A contractor prepared a bid and attempted to deliver it to the bidding location, but was unable to have the bid accepted. The bid was emailed prior to 10:00 AM, but not read aloud since it did not meet the bidding requirements. The emailed bid was delivered to the City, but unread. We do not recommend waiving the bid irregularity but it always at the City's discretion to do so. If the City decides to waive the irregularity we would be available to re-evaluate the bid results to determine if a different recommendation is warranted.

We have worked with JTM Construction, LLC in the past and find them to be an acceptable contractor. We recommend that the referenced contract be awarded to JTM Construction, LLC on the basis of its Base Bid proposal in the amount of \$626,883.10.

Sincerely,


A handwritten signature in blue ink that reads "Brian T. Geier".

Brian T. Geier, PE

BTG/mbb

K:\R0017\R0017-0057-00 Hamman Road Phase 1B Revised Drainage Im\3 Construction Phase\Hamman Road 1B ROA.doc

Enclosure

 QUIDDITY Public Bid	BID TABULATION SHEET			BIDS WERE RECEIVED IN THE OFFICE OF			
	Construction of Hamman Road Phase 1B Revised			City of Bay City			
	City of Bay City			Time: 10:00 AM			
	R0017-0057-00			Date: 8/31/2022			
	BIDDERS						
	JTM Construction	T Gray Utility	AR Turnkey Construction				
Base Bid	\$ 626,883.10	\$828,327.00	\$ 736,374.50				
Bid Security	✓	✓	✓				
1295 Form	✓		✓				
Addenda	✓	✓	✓				

Quiddity Engineering
 Brian T. Deen
 8/31/22

ORDINANCE~AN ORDINANCE GRANTING TO AEP TEXAS INC., ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN AND OPERATE LINES AND APPURTENANCES AND APPLIANCES FOR CONDUCTING ELECTRICITY IN, OVER, UNDER AND THROUGH THE STREETS, AVENUES, ALLEYS AND PUBLIC PLACES OF THE CITY OF BAY CITY, TEXAS



EXECUTIVE SUMMARY- AEP Franchise Agreement

BACKGROUND:

Purpose of the Ordinance:

AEP Texas is presenting the renewal of a Franchise Agreement with the City of Bay City. The existing Franchise expires on October 27, 2022. The proposed renewal is for an additional 15-year period at the same rate factor per kilowatt hour, \$0.002786, established by the Texas Public Utilities Regulatory Act. The rate factor is calculated monthly and paid monthly to the City of Bay City. The Franchise allows AEP Texas to operate facilities within the City of Bay City rights-of-ways.

FINANCIAL IMPLICATIONS:

No cost to City. Franchise fees are paid to the City and deposited into the City's General Operating Fund.

RECOMMENDATION:

Recommend City Council approve Ordinance as stated.

ATTACHMENTS: Ordinance

**AN ORDINANCE GRANTING TO AEP TEXAS INC., ITS SUCCESSORS AND
ASSIGNS, A NON-EXCLUSIVE FRANCHISE TO CONSTRUCT, MAINTAIN AND
OPERATE LINES AND APPURTENANCES AND APPLIANCES FOR
CONDUCTING ELECTRICITY IN, OVER, UNDER AND THROUGH THE
STREETS, AVENUES, ALLEYS AND PUBLIC PLACES OF THE CITY OF BAY
CITY, TEXAS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS,
AND A MAJORITY OF MEMBERS CONCURRING:**

SECTION 1: That AEP Texas Inc., formerly known as AEP Texas Central Company, a corporation organized under the laws of the State of Delaware, its successors and assigns, (“Company”) is granted the non-exclusive right, privilege, franchise and authority until October 27, 2037, to acquire, construct, maintain and operate in, above, under, across, over and along the streets, alleys, thoroughfares, bridges and public places (“Public Rights-of-Way”), as the same now exist or may hereafter be laid out in the City of Bay City, State of Texas (the “City”), lines for the transmission and distribution of electric energy and services incidental thereto, either by means of overhead or underground conductors, with all necessary or desirable appurtenances and appliances as currently installed or that may be installed in the future including but not limited to electric substations, underground conduits, poles, towers, wires and transmission and distribution lines, and fiber optic cable and telegraph and telephone wires for audio, video and data communications for use in support of transmission and distribution operations and the electric system and grid and matters appurtenant thereto, all for the purpose of transmitting and distributing electrical energy to the City and its inhabitants, and persons and corporations within and beyond the limits thereof for light, heat, power and any other purpose or purposes for which electric energy is now or may hereafter be used, and to license or lease space on or within Company's poles, conduit, and appurtenant facilities for the attachment of

third-party facilities, and for all other facilities Company deems reasonably necessary for the provision of safe, reliable and economical electric service to the City.

SECTION 2: Poles and towers must be erected so as not to interfere unreasonably with traffic over streets and alleys, and the City may make and impose reasonable requirements fixing the location of poles, towers and conduits, provided that no such requirement may be unreasonably burdensome upon Company or unreasonably interfere with the operation or maintenance of its facilities.

SECTION 3: The City grants to Company permission to cut down, trim, remove and otherwise control using herbicides or tree growth regulators, any trees, branches, vegetation or brush upon and overhanging the Public Rights-of-Way of the City in the vicinity of Company's electric facilities where such trees and other vegetation, in Company's reasonable opinion, may endanger the safety of Company's personnel or interfere with the construction, operation or maintenance of Company's facilities or ingress or egress to, from, or along the Public Rights-of-Way.

SECTION 4: Company shall fully indemnify and save the City harmless from any and all damage, loss, action or cause of action arising in whole or in part from Company's exercise of any of its rights, privileges, franchises and obligations hereunder except to the extent arising out of the City's negligence or willful misconduct.

SECTION 5: For and as full consideration and compensation for this franchise and the rights, privileges and easements granted and conferred thereby and as rental for the use of the Public Rights-of-Way within or that may in the future be within the City, Company must pay the City an amount calculated in accordance with the methodology prescribed by applicable law, as it exists today in the form and substance of the Texas Public Utilities Regulatory Act

(PURA) Section 33.008(b), Texas Utilities Code, currently the product of a factor of \$0.002786 per kilowatt hour multiplied times the number of kilowatt hours delivered by Company to retail customers within the City's boundaries as such charge may be revised from time to time in accordance with Section 33.008(b) of the Texas Utilities Code or any other applicable provision of law regarding franchise fee payments. A payment made based on the foregoing applicable law or any change, modification, or replacement thereof will be made each month throughout the term provided for in this ordinance, with each such payment to be made on the first business day of the second month following the month in which the deliveries occurred, for the billing cycle for that month.

The City must notify the Company in writing of newly annexed and de-annexed areas. The notice must include the ordinance number authorizing the action, an appropriate map identifying the areas and documentation of the notice to the State of Texas regarding the annexation or de-annexation. The Company will have no responsibility for commencing payments to the City for kilowatt hours delivered in newly annexed areas until it has received the City's notification. Upon the City's notification and starting the 91st day after receipt of such notice, Company will commence payments to the City for kilowatt hours delivered in each newly annexed area and will make any appropriate adjustments in payments reflecting over deliveries of kilowatt hours in any prior month resulting from inclusion of kilowatt hours from de-annexed areas in the calculation of the monthly charge. Payments for deliveries in newly annexed areas and adjustments for over deliveries in de-annexed areas must be made back to the effective date of the ordinance.

SECTION 6: References made in this ordinance to the City or Company will include the respective successor or assign of either the City or Company, and all rights, privileges,

franchises and obligations contained in this ordinance will bind and benefit each successor or assign, in which event the predecessor of each successor or assign is divested of all such rights, privileges, franchises, or obligations, whether or not so expressed.

SECTION 7: The terms and provisions of this franchise are joint and several, and the invalidity of any part will not affect the validity of the remainder of the franchise.

SECTION 8: This ordinance will take effect from and after the earliest period allowed by law, provided that Company must file its written acceptance of this ordinance within ninety days after its adoption. Once this ordinance takes effect, the electric franchise under which the City has been operating until this time will stand surrendered.

INTRODUCED, READ, PASSED AND ADOPTED in written form at a regular meeting, duly and regularly called and held on the _____ day of _____, 2022, by the following vote:

AYES:	_____	NAYES:	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

APPROVED, this the ____ day of _____, 2022.

The Honorable Mayor of the City of Bay City, Texas

Printed Name

ATTEST:

City Secretary

Printed Name

ACKNOWLEDGMENT

STATE OF TEXAS §

COUNTY OF MATAGORDA §

I, the undersigned, City Secretary of the City of Bay City, Texas, certify that the above and foregoing is a true and correct copy of a franchise ordinance passed, adopted and approved by the City Council of the City of Bay City, Texas, at a meeting duly and regularly called and held on the ____ day of _____, 2022.

IN TESTIMONY WHEREOF, witness my hand and seal of office, this ____ day of _____, 2022.

City Secretary of the City of
Bay City, Texas

ACCEPTANCE OF FRANCHISE

WHEREAS, the City of Bay City, Texas, by Ordinance/Resolution # _____ passed, adopted and approved at a meeting of the City held on the ____ of _____, 2022, granted to AEP Texas Inc., (formerly known as AEP Texas Central Company) a franchise in accordance with applicable law to supply electricity to the City of Bay City, Texas, until October 27, 2037 (the “Franchise Ordinance”); and

WHEREAS, in compliance with the terms of the Franchise Ordinance, AEP Texas Inc. desires to file its written acceptance thereof.

NOW THEREFORE, AEP Texas Inc., a Texas corporation, acting by its duly authorized officer, accepts the Franchise Ordinance and files this acceptance and agrees that it and its successors and assigns, are and shall be entitled to all of the rights, privileges, authority and franchise thereby granted and are and shall be bound by and will comply with all of the duties, liabilities, terms, and provisions of the Franchise Ordinance.

IN WITNESS WHEREOF, AEP Texas Inc. has caused this Acceptance of Franchise to be executed by its duly authorized officer this the ____ day of _____, 2022.

AEP Texas, Inc.

By: _____
Robert Black
VP Texas External Affairs

Discuss, consider and review proposed amendments to Appendix B Fee Schedule



EXECUTIVE SUMMARY

Review of proposed fee changes from the Airport and Parks and Recreation in preparation annual approval of Fee Ordinance.

Chapter 18 - Aviation		
18-6(a)	Aerial Advertising - City limits permit	\$15.00 per flight
18-6(a)	Aerial Advertising - City limits, 7-day permit	\$25.00 \$27.00
18-	Aerial Applicator Operating Permit	\$500.00 per aircraft (30-day period) \$250.00 for each additional aircraft
18-135	Fuel Flowage Fee	\$0.15 per gallon
<i>Nightly Tie Down Fees</i>		
18-	Single Engine	\$10.00
18-	Twin Engine	\$20.00 \$22.00
18-	Turbo/Jet Engine	\$30.00 \$33.00
First night free with fuel purchase		
<i>Monthly Tie Down Fees</i>		
18-	Single Engine	\$100.00 \$109.00
18-	Twin Engine	\$200.00 \$217.00
18-	Turbo/Jet Engine	\$350.00 \$380.00
18-	Turbo/Jet Engine 12,500 lbs and greater	\$400.00 \$435.00
No discount offered with purchase of fuel. Tie down fees are calculated on the calendar day. (Example: "Calendar Day" 1 minute to 24 hours equals 1 calendar day)		
<i>Main Hangar Daily Fees</i>		
18-	Single Engine	\$25.00 \$28.00

18-	Twin Engine	\$50.00 \$55.00
18-	Turbo Prop	\$100.00 \$109.00
18-	Jet Engine	\$150.00 \$163.00
No discount offered with purchase of fuel. Fees are calculated on the calendar day.		
<i>Main Hanger Monthly Fees</i>		
18-	Single Engine	\$250.00 \$272.00
18-	Twin Engine	\$300.00 \$326.00
18-	Turbo Prop	\$400.00 \$435.00
18-	Jet Engine	\$500.00 \$543.00
18-	Deposit	Equal to one month's rent
<i>T-Hanger Monthly Fees</i>		
18-	T-Hanger	\$200.00 \$217.00
18-	T-Hanger Suite	\$245.00 \$266.00
18-	T-Hanger Bi-Fold Doors and 1,000 SF	\$225.00 \$245.00
18-	T-Hanger Bi-Fold Doors and 1,210 SF	\$250.00 \$272.00
18-	T-Hanger Bi-Fold Doors and 1,450 SF	\$260.00 \$283.00
18-	Deposit	Equal to one month's rent
18-	Late Fee assessed for all payments not received by the 11 th of each month.	\$50.00
<i>Ramp Fees</i>		
18-	Single Engine	\$10.00

18-	Twin Engine	\$20.00 \$22.00
18-	Turbo/Jet Engine	\$50.00 \$55.00
Customers using our ramp to drop off or pick up passengers/cargo and purchasing aviation fuel are not charged a ramp use fee.		
18-	Courtesy Vehicle for Fly-in visitors w/aviation fuel purchase	First 2 hours: No charge; then \$15.00/hour
	Courtesy Vehicle for Fly-in visitors w/out aviation fuel purchase	\$20.00/hour
	(a) Fly in visitors with no fuel purchase: A surcharge of \$20.00 will be charged regardless of how much fuel was used in the vehicle, if the vehicle is returned without the fuel being replaced.	
	(b) The overnight use of the vehicle may be approved at the cost of a flat rate fee of \$100.00 (after 5:00 p.m. until 8:00 a.m.). The charges as stated above will then apply between the hours of 8:00 a.m. to 5:00 p.m.	
After Hour's Services – Customer requesting services or assistance after business hours, weekends and holidays		
18-	Call Out Fee	\$55.00 \$60.00/hour (2-hour minimum)
18-	Overtime Fee	\$55.00 \$60.00/hour Customers requesting services that require employees to work past business hours.
18-	Fuel Service Fees	\$0.40 cents to \$1.00 per gallon of fuel based on market rates.
18-	Fuel additive	\$0.05 cents per gallon plus posted fuel price
18-	Fuel Service Fees-Long Term Parking	\$0.40 cents per gallon of fuel \$2.00 per day
18-	Fueling Fee for private self-fuel delivery	\$0.15 \$0.16 cents per gallon
18-	Catering Fee	Based on the size of the order, time spent coordinating the order and delivery.

18-	Office/Terminal Lease	\$2.50 - \$15.00 \$2.71 - \$16.78 SF per year
Ground Lease		
18-	Aviation related land – Improved	\$0.15 \$0.16 cents SF per year
18-	Aviation related land – Unimproved	\$0.10 \$0.11 cents SF per year
18-	Non-aviation related land	\$0.25 \$0.27 cents SF per year

BUDGET~ DISCUSS, CONSIDER, AND/OR APPROVE THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S BUDGET FOR FISCAL YEAR 2023



EXECUTIVE SUMMARY

BACKGROUND:

The Bay City Community Development Corporation is a component unit of the City. In accordance with the CDC's articles of incorporation, the City Council approves the annual budget.

PUBLIC HEARING WAS HELD ON THE FOLLOWING DATE:

THURSDAY, SEPTEMBER 8, 2022 AT 6 PM

All information pertaining to the Bay City Community Development Corporation's (BCCDC) Budget can be viewed at the following locations:

City Secretary's Office
Bay City Public Library
City of Bay City's Website- www.cityofbaycity.org/193/Budget

ATTACHMENTS: BCCDC BUDGET

Bay City Community Development Corporation					
Proposed Operating Budget					
Fiscal Year Ending 9/30/23					
Acct #	Description	FYE 9/30/2020	FYE 9/30/2021	FYE Projected 9/30/2022	Proposed Budget 9/30/2023
	REVENUE:				
3225	Sales tax collections	\$ 1,577,000	\$ 1,575,000	\$ 1,675,104	\$ 1,675,000
3300	BDC income	\$ 6,000	\$ 4,800	\$ 9,600	\$ 9,600
3401	Training Center lease (STNOC)	\$ 75,600	\$ 80,695	\$ 85,661	\$ 88,144
3402	Family Entertainment Center lease (SMBG)	\$ 350,000	\$ 275,000	\$ 300,000	\$ 100,000
3500	Main Street revenue	\$ 43,091	\$ 48,000	\$ 48,000	\$ 72,000
3504	TIRZ #2 income	\$ 150,000	\$ 150,000	\$ 190,000	\$ 150,000
3550	Reduction in grant obligation	\$ 13,620	\$ -	\$ -	
3615	Interest income	\$ 15,000	\$ 7,500	\$ 3,750	
	TOTAL REVENUE	\$ 2,230,311	\$ 2,140,995	\$ 2,312,115	\$ 2,094,744
	ADMINISTRATIVE EXPENSES:				
415-4105	Salaries and wages	\$ 220,000	\$ 182,876	\$ 201,862	\$ 234,295
415-4110	Other compensation	\$ 2,052	\$ 2,052	\$ 2,508	\$ 2,052
415-4205	Payroll taxes	\$ 16,830	\$ 13,479	\$ 15,404	\$ 17,600
415-4206	Unemployment taxes	\$ 600	\$ 250	\$ 216	\$ 1,500
415-4210	Retirement expense	\$ 24,426	\$ 20,342	\$ 20,457	\$ 25,000
415-4215	Workers Comp insurance	\$ 850	\$ 800	\$ 772	\$ 1,000
415-4225	Employee health insurance	\$ 12,772	\$ 26,000	\$ 22,810	\$ 43,400
415-4230	Travel and training	\$ 1,795	\$ 4,000	\$ 2,000	\$ 6,000
415-4310	General supplies (postage, freight, copies)	\$ 3,500	\$ 3,500	\$ 4,800	\$ 4,800
415-4315	Dues and subscriptions	\$ 5,000	\$ 5,000	\$ 7,626	\$ 4,000
415-4330	Vehicle expense (fuel, insurance & repairs)	\$ 4,000	\$ 1,614	\$ 1,560	\$ 4,000
415-4405	General insurance	\$ 36,171	\$ 50,000	\$ 20,000	\$ 57,500
415-4410	Telephone and cell phones	\$ 5,000	\$ 1,750	\$ 3,000	\$ 2,500
415-4415	Utilities (electricity, water, & gas)	\$ 4,500	\$ 4,500	\$ 4,500	\$ 4,000
415-4420	Legal and professional	\$ 25,000	\$ 25,000	\$ 31,167	\$ 25,000
415-4424	Cleaning and maintenance	\$ 6,000	\$ 6,210	\$ 6,750	\$ 6,750
415-4426	Leasehold improvements	\$ 2,000	\$ 40,000	\$ -	\$ 500
415-4427	Equipment rental	\$ 4,600	\$ 4,600	\$ 3,500	\$ 3,100
415-4428	Building rental	\$ 60,000	\$ 61,200	\$ 56,320	\$ 63,648
415-4497	Business meals	\$ 2,000	\$ 2,000	\$ 2,500	\$ 3,000
415-4498	Misc furniture and equipment	\$ 2,000	\$ 500	\$ 2,500	\$ 500
415-4499	Miscellaneous expense	\$ 1,000	\$ 500	\$ 500	\$ 1,000
415-4505	Repairs and maintenance- equipment	\$ 440	\$ 500	\$ -	
	TOTAL ADMINISTRATIVE EXPENSES	\$ 440,536	\$ 456,673	\$ 410,752	\$ 511,145
	PROSPECT DEVELOPMENT EXPENSES:				
420-4230	Travel	\$ 4,000	\$ 4,000	\$ 4,550	\$ 3,500
420-4425	Contract services	\$ 600	\$ 1,000	\$ -	\$ 8,000
420-4460	Advertising	\$ 10,000	\$ 7,000	\$ 20,000	\$ 20,000
420-4461	Website development/maintenance	\$ -	\$ 8,000	\$ 5,000	\$ 1,680
420-4497	Business meals	\$ 500	\$ 1,000	\$ 2,000	\$ 1,000
420-4499	Miscellaneous expense	\$ 500	\$ 500	\$ 500	\$ 500
	TOTAL PROSPECT DEVELOPMENT EXP.	\$ 15,600	\$ 21,500	\$ 32,050	\$ 34,680

Acct #	Description	FYE 9/30/2020	FYE 9/30/2021	FYE Projected 9/30/2022	Proposed Budget 9/30/2023
	PROJECT EXPENSES:				
485-4001	Matagorda County EDC	75,000	75,000	75,000	75,000
485-4002	Small Business Development Center (SBDC)				20,000
485-4003	Website grant	49,970	-	30,000	40,000
485-4009	Detention pond	6,800	-	-	-
485-4008	Family Entertainment Center (property taxes)	-	240,000	229,115	-
485-4010	Downtown parking lot	3,200	-	3,500	3,000
485-4012	Main Street	30,000	30,000	20,000	25,000
485-4020	Nile Valley Phase II	21,282	239,116	239,116	239,116
485-4021	CED insurance and maintenance	1,207,263	209,000	135,000	300,000
485-4447	City Vision 2040 Plan	20,000	5,000	11,000	100,000
485-4002	Business retention and expansion	310,000	75,000	60,000	100,000
485-4004	Aquatic Center feasibility	19,000	-	-	
485-4030	McCoy's land	11,379	-	-	
2251/2255	Debt principal payments	417,095	438,010	463,086	189,200
485-4810	Interest expense	437,285	412,480	349,690	57,200
	TOTAL PROJECT EXPENSES	2,608,274	1,723,606	1,615,507	1,148,516
	TOTAL EXPENSES	3,064,410	2,201,779	2,058,309	1,694,341
	SURPLUS (DEFICIT)	(834,099)	(60,784)	253,806	400,403

RESOLUTION~ DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY OF BAY CITY, TEXAS ADOPTING THE CITY OF BAY CITY FIVE YEAR CAPITAL IMPROVEMENT PROGRAM.



EXECUTIVE SUMMARY

BACKGROUND:

PUBLIC HEARING WAS HELD ON THE FOLLOWING DATE:

THURSDAY, SEPTEMBER 8, 2022 AT 6 PM

Five-Year Capital Improvement Program FY 2023-2027 (Charter sections 10.15 & 10.16)

All information pertaining to the City's Five-Year Capital Plan can be reviewed at the following locations:

City Secretary's Office

Bay City Public Library

City of Bay City's Website- www.cityofbaycity.org/193/Budget

ATTACHMENTS: RESOLUTION



Resolution of the City of Bay City, Texas
No.

**A RESOLUTION ADOPTING A FIVE-YEAR CAPITAL IMPROVEMENT PROGRAM (CIP) IN
COMPLIANCE WITH THE CITY CHARTER**

WHEREAS the City Charter requires a plan for capital improvement covering the succeeding five years and proposed method of financing to the City Council prior to the beginning of each budget year; and,

WHEREAS a Five-Year Capital Program was presented to the City Council on August 9, 2022 in compliance with the City Charter and,

WHEREAS, the required time has passed since the last public hearing as required by the City of Bay City Home Rule Charter; and

WHEREAS the City Council has reviewed the Five-Year Capital Program, found it to be in compliance with all City Charter and believes its approval by resolution is in the best interest of Bay City residents.

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

THAT the Five-Year Capital Program (October 1, 2022 – September 30, 2027), a copy of which is attached hereto and incorporated in the Fiscal Year Budget 2023, is hereby adopted in compliance with the City Charter.

PASSED and APPROVED this 13th day of September 2022.

Robert K. Nelson
Mayor

ATTEST:

Jeanna Thompson
City Secretary

ORDINANCE~ AN ORDINANCE ADOPTING AN OPERATING BUDGET FOR THE CITY OF BAY CITY, TEXAS FOR FISCAL YEAR 2023 AND ALL DESIGNATED, SPECIFIED, NOTED, AND INDICATED LEVIES, RATES, RESERVES, REVENUE PROVISIONS, AND PLANNED EXPENDITURE INHERENT, EXPRESSED AND INCLUDED THEREIN; PROVIDING FOR A CUMULATIVE CLAUSE: PROVIDING FOR SEVERABILITY: AND PROVIDING FOR AN EFFECTIVE DATE.



EXECUTIVE SUMMARY

BACKGROUND:

PUBLIC HEARING WAS HELD ON THE FOLLOWING DATE:

THURSDAY, SEPTEMBER 8, 2022 AT 6 PM

Charter Section 10.09- Adoption of Budget (budget shall be adopted by ordinance, by a majority vote of Councilmembers.

Charter Section 10.10- Effective Date of Adoption (not sooner than five days after public hearing and not later than ten days prior to the beginning of the fiscal year.

All information pertaining to the City's Budget can be reviewed at the following locations:

City Secretary's Office

Bay City Public Library

City of Bay City's Website- www.cityofbaycity.org/193/Budget

ATTACHMENTS: BUDGET ORDINANCE

ORDINANCE _____

AN ORDINANCE ADOPTING AN OPERATING BUDGET FOR THE CITY OF BAY CITY, TEXAS FOR FISCAL YEAR 2023 AND ALL DESIGNATED, SPECIFIED, NOTED, AND INDICATED LEVIES, RATES, RESERVES, REVENUE PROVISIONS, AND PLANNED EXPENDITURE INHERENT, EXPRESSED AND INCLUDED THEREIN; PROVIDING FOR A CUMULATIVE CLAUSE: PROVIDING FOR SEVERABILITY: AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bay City, Texas, is desirous of adopting an Operating Budget for the fiscal year 2023 and

WHEREAS, the proposed Operating Budget was placed on file with the City Secretary on the 11th day of August 2022; and

WHEREAS, a public hearing on the Operating Budget for the City of Bay City for the fiscal year 2022 has heretofore been published in accordance with the law; and

WHEREAS, the required time has passed since the last public hearing as required by state law and the City of Bay City Home Rule Charter; and

WHEREAS, it is necessary, at this time that said budget is adopted.

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

Section one. Operating Budget Approved. The Operating Budget for the fiscal year 2023 is hereby approved and adopted and does include:

- a. all designated, specified, noted, and indicated levies, rate, reserves, revenues provisions, and planned expenditures inherent, expressed, and included therein; and
- b. a contingent appropriation of 0.5 percent of the total budget to be used for unforeseen expenditures. Expenditures from this appropriation shall be made only with Council approval, and a detailed account of all expenditures shall be recorded and reported.

Section two. Cumulative and Conflicts. This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

Section three. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality

shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section four. City Council directs the Director of Finance to file the Operating Budget with the Municipal Clerk.

Section five. City Council directs the Director of Finance to ensure the Operating Budget, including the Cover Page, is posted on the City's website.

Section six. Effective Date. This Ordinance shall become effective October 1, 2022.

PASSED AND APPROVED on this 13th day of September 2022.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary
City of Bay City

Anne Marie Odefey, City Attorney

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

BUDGET~ CONSIDER AND/OR APPROVE A MOTION TO RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET FOR THE CITY OF BAY CITY FISCAL YEAR 2023



Local Government Code 102.007 (c)

Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate required by Chapter [26](#), Tax Code, or other law.

ORDINANCE~ AN ORDINANCE ADOPTING THE TAX RATE OF \$0.63500 PER \$100.00 OF ASSESSED VALUATION FOR THE CITY OF BAY CITY, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, LEVYING A MAINTENANCE AND OPERATIONS RATE OF \$.48075 AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPAL AND INTEREST OF THE BOND INDEBTEDNESS OF THE CITY LEVYING A DEBT SERVICE RATE OF \$.15425; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; PROVIDING A SERVERABILITY CLAUSE HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.



EXECUTIVE SUMMARY

BACKGROUND:

PUBLIC HEARING WAS HELD ON THE FOLLOWING DATE:

PUBLIC HEARING DATE:

THURSDAY, SEPTEMBER 8, 2022 AT 6 PM

Tax Rate Information	Adopted FY 2022	Proposed FY 2023
Property Tax Rate	.63500	.63500
No-New Revenue Tax Rate	.61062	.59683
No-New Revenue M&O Tax Rate	.44702	.44118
Debt Rate	.16363	.15425
Voter-Approval Tax Rate	.65445	.65556
De Minimis Rate	.66321	.64497

Tax Rate Information	Adopted FY 2022	Proposed FY 2023
Maintenance & Operation Rate	.47137	.48075
Debt Rate	.16363	.15425
Total Property Tax Rate	.63500	.63500

Specific Council motion language required to adopt this ordinance:

“I move that the property tax rate be increased by the adoption of a tax rate of \$.63500, which is effectively a 6.39 percent increase in the tax rate.

ATTACHED: TAX RATE ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE TAX RATE OF \$0.63500 PER \$100.00 OF ASSESSED VALUATION FOR THE CITY OF BAY CITY, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2023, LEVYING A MAINTENANCE AND OPERATIONS RATE OF \$.48075 AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPAL AND INTEREST OF THE BOND INDEBTEDNESS OF THE CITY LEVYING A DEBT SERVICE RATE OF \$.15425; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; PROVIDING A SERVERABILITY CLAUSE HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of Bay City, Texas, has on this date, by way of separate Ordinance, duly approved, adopted an Operating Budget for the operation of the City for fiscal year 2023; and

WHEREAS, the aforesaid Ordinance anticipates and requires the levy of an *ad valorem* tax on taxable property in the City of Bay City; and

WHEREAS, the Chief Appraiser of Matagorda County Tax Appraisal District has prepared and certified the appraisal roll for the City of Bay City, Texas, that roll being that portion of the approved appraisal roll of the Bay City Tax Appraisal District which lists property taxable by the City of Bay City, Texas; and

WHEREAS, it is necessary to levy such an *ad valorem* tax at a given rate to generate revenues sufficient to meet the projected expenses of the City for fiscal year 2023; and

WHEREAS, the City has acknowledged that:

THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE; and

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 8.97 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$9.38.

WHEREAS, the City has fully and timely complied with all notice and other requirements relative to the adoption of a tax rate for fiscal year 2023.

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

Section one. There is hereby levied for the fiscal year 2023 upon all real property situated within the corporate limits of the City of Bay City, Texas, and upon all personal property which is owned within the corporate limits of the City of Bay City, Texas on January 1, 2022, except so much thereof as may be exempt by the Constitution or laws of the State of Texas, a total tax of \$0.63500 on each \$100 of assessed valuation on all taxable property, which total tax herein so levied shall consist and be comprised of the following components:

- a. An *ad valorem* tax rate of \$0.48075 on each \$100 of assessed valuation of all taxable property is hereby levied for general City purposes and to pay the current operating expenses of the City of Bay City, Texas, for the fiscal year ending September 30, 2023, which tax, when collected shall be appropriated to and for the credit of the General Fund of the City of Bay City, Texas.
- b. An *ad valorem* tax rate of \$0.15425 on each \$100 of assessed valuation of taxable property is hereby levied for the purpose of creating an Interest and Sinking Fund with which to pay the interest and principal of the valid bonded indebtedness, and related fees of the City of Bay City, now outstanding and such tax, when collected, shall be appropriated and deposited in and to the credit of the General Debt Service Fund of the City of Bay City, Texas, for fiscal year ending September 30, 2023.

Section two. The City of Bay City shall have lien on all taxable property located in the City of Bay City to secure the payments of taxes, penalty, and interest, and all costs of collection, assessed and levied hereby.

Section three. Taxes are payable in Bay City, Texas at the Office of the Tax Assessor/Collector of Matagorda County. The City shall have available all the rights and remedies provided by law for the enforcement of the collection of taxes levied under this Ordinance.

Section four. The tax roll presented to the City Council, together with any supplements thereto, are hereby accepted and approved.

Section five. A copy of the "Vote Results" sheet for this Ordinance, reflecting the record vote of the City Council on this Ordinance, shall be attached to this Ordinance by the City Secretary, and shall constitute a part of this Ordinance for all purposes.

Section six. Should any paragraph, sentence, provision, clause, phrase or section of this Ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this Ordinance, as a whole or any part or provision thereof, other than the part or parts adjudged to be invalid, illegal, or unconstitutional.

Section seven. This ordinance shall be in full force and effect from and after its adoption by the City Council and publication of its caption as the law and the City Charter provide in such cases.

Section eight. All other ordinances and Code provisions in conflict herewith are hereby repealed, but only to the extent of any such conflict or inconsistency and all other provisions of the Bay City Code and ordinances not in conflict herewith shall remain in full force and effect.

Section nine. The repeal of any ordinance or parts thereof by the enactment of this Ordinance, shall not be construed as abandoning any action now pending under or by virtue of such ordinance; nor shall it have the effect of discontinuing, abating, modifying, or altering any penalty accruing or to accrue, nor as affecting any rights of the City under any section or provision of any ordinance at the time of passage of this Ordinance.

PASSED AND APPROVED on this 13th day of September 2022.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary
City of Bay City

Anne Marie Odefey, City Attorney

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



HOUSTON-GALVESTON AREA COUNCIL
SERVING TODAY ■ PLANNING FOR TOMORROW

To: Mayors – Home Rule Cities
Subject: 2023 General Assembly Designations
From: Chuck Wemple
Date: September 7, 2022

The end of the year is quickly approaching, and the Houston-Galveston Area Council is looking ahead to 2023. We are continuously working to better serve our member governments. In that spirit, we are bringing the conversation to your communities to hear more about your needs and how we can work together to improve quality of life across the region. These interactive, town-hall style meetings are designed to hear from you, and to help us plan for and implement ways to better serve you and your community. Beyond these meetings, however, one of the best ways to contribute to the regional discussion is to stay engaged with us, and you can do this by appointing elected representatives from your county to be an active member in our regional conversations and decision-making.

H-GAC is asking you to be a part of this next year of service by designating representatives to our General Assembly. H-GAC bylaws allow each Home Rule City member to designate an elected official from your city to represent you at the annual General Assembly. There, the representatives will elect two members to represent Home Rule Cities on the H-GAC Board of Directors and two members to serve as alternates.

I have attached the nomination form on which you can designate your representatives. Please email the completed form to Laura.Parker@h-gac.com. If more information concerning General Assembly and Board of Directors membership would be useful, please **contact** me at 713-993-4514 or Rick Guerrero at 713-993-4598.

A dinner meeting of Home Rule city representatives is scheduled for **Thursday, November 3 at 6:30 pm to 9:00 pm**. It will be at the Embassy Suites Houston West-Katy (16435 Katy Freeway, Houston, TX, 77094). At that meeting, your 2023 Home Rule Cities' representatives will be elected to the H-GAC Board of Directors.

Thank you for your continuing participation and support for the Houston-Galveston Area Council. We are looking forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Charles Wemple", is positioned above a horizontal blue line.

Charles Wemple (Sep 8, 2022 19:01 CDT)

Chuck Wemple

Attachment

**DESIGNATION OF REPRESENTATIVE AND ALTERNATE
HOUSTON-GALVESTON AREA COUNCIL
2023 GENERAL ASSEMBLY**

BE IT RESOLVED, by the Mayor and City Council of _____, Texas that
_____ be, and is hereby designated as its Representative to the
GENERAL ASSEMBLY of the Houston-Galveston Area Council for the year 2023.

FURTHER, that the Official Alternate authorized to serve as the voting representative should the
hereinabove named representative become ineligible, or should he/she resign, is

_____.

THAT the Executive Director of the Houston-Galveston Area Council be notified of the
designation of the hereinabove named representative and alternate.

PASSED AND ADOPTED, this ____ day of _____, 2022.

APPROVED:

Mayor

ATTEST:
