



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, February 28, 2023 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K Nelson

Mayor Pro Tem: Jim Folse

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

Vision Statement

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

AGENDA

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

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

CALL TO ORDER AND CERTIFICATION OF QUORUM

INVOCATION & PLEDGE

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

Councilman Blayne Finlay

MISSION STATEMENT

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

Councilman Blayne Finlay

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.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

- 1. Regular Council Meeting minutes of February 14, 2023.**

PUBLIC HEARING

- 2. Public Hearing on Business Resilience Project for Lisciotti CRE LLC.** Jessica Russell, Executive Director of BCCDC

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 3. Resolution ~ Discuss, consider, and/or approve a Resolution authorizing the City of Bay City Community Development Corporation to enter into a contract with Bay City CFA Series LL c/o Lisciotti Development Corporation; providing incentives not to exceed a total amount of \$250,000 over the term of the agreement (First Reading).** Jessica Russell, BCCDC Executive Director
- 4. Award ~ Presentation of "CiCi" award to Bay City Community Development Corporation.** Jessica Russell, BCCDC Executive Director
- 5. Award ~ Presentation of 2022 TMLDA Achievement of Excellence in Libraries Award.** Samantha Denbow, Library Director
- 6. Resolution ~ Discuss, consider, and/or adopt a Resolution authorizing the submission of the 2023-2024 Texas Community Development Block Grant Program application and adopting required CDBG Civil Rights policies.** Gabriel Lopez, Engineering Tech
- 7. Resolution ~ Discuss, consider, and/or adopt a Resolution to designate authorized signatories for the 2023-2024 Texas Community Development Block Grant program.** Gabriel Lopez, Engineering Tech
- 8. Analysis ~ Discuss, consider, and/or accept the community wide housing analysis performed regarding impediments to Fair Housing for the City of Bay City as part of the grant application for the 2023-2024 Texas Community Development Block Grant program.** Gabriel Lopez, Engineering Tech
- 9. Contract ~ Discuss, consider, and/or approve Amendment No. 1 Work Authorization No. 5 to the standard contract agreement between the City of Bay City, Texas and Garver, LLC for Professional Engineering Services for the Design, Bid, and Construction of the new North Water Plant under the Texas**

Water Development Board Funding Drinking Water SRF Projects. Barry Calhoun,
Public Works Director

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

CLOSED / EXECUTIVE SESSION

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

RECONVENE AND ACTION

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

ADJOURNMENT

AGENDA NOTICES:

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

CERTIFICATION OF POSTING

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Friday, February 24, 2023 before 6:00 p.m.** Any questions concerning the above items, please contact the Mayor and City Manager's office at (979) 245-2137.

CITY OF BAY CITY

MINUTES • FEBRUARY 14, 2023

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

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

CALL TO ORDER AND CERTIFICATION OF QUORUM

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

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 Becca Sitz

MISSION STATEMENT

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Councilwoman Becca Sitz

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

David Torrez, 1616 Cottonwood, concerned that no employees are patching roads and there is no asphalt in yard. Mr. Torrez is also concerned regarding city's excuse for high water bills.

ACKNOWLEDGEMENT FROM CITY MANAGER**1. Parks and Natural Areas award from H-GAC**

Shawna Burkhart, City Manager, stated that the City Parks & Recreation Department was recognized H-GAC and received an award. Shawn Blackburn, Parks and Recreation Director, and Kelly Penewitt, Parks Supervisor, summarized the award for environmental

programs with Mr. Blackburn giving credit to Ms. Penewitt for organizing the events at Riverside. Ms. Penewitt reviewed many of the events held at Riverside Park.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

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

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

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

6. **Ordinance ~ Discuss, consider, and/or recommend approval of the Final Project and Financing Plan to the City Council.**

David Pettit, DPED, summarized the TIRZ program and the TIRZ #4 project and financing plan. Mr. Pettit stated that the TIRZ #4 Board recommended the plan. Mr. Pettit stated that the TIRZ has a Public Improvement District (PID) and that the TIRZ increments are used to offset the PID.

Motion made by Mayor Pro Tem Folse to approve the ordinance, Seconded by Councilwoman Sitz.

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

7. **Presentation ~ Discuss, consider, and/or approve CityByApp.**

P. Darve Smith, Tourism Manager, presented two types of applications, CityByApp and Visit Widget, for use by citizens and visitors. Mr. Darve provided comparisons and cost. Council preferred the Visit Widget and requested that it be submitted in the budget for consideration.

8. **Grant ~ Discuss, consider, and/or approve Bay City's authorization to issue request for proposals for Administrative Services (RFP) and request for qualification (RFQ) for the Transportation Alternatives-Set aside Program funded through the Texas Department of Transportation.**

Gabriel Lopez, Engineering Tech, presented and stated that the grant is to continue with the sidewalk and path projects and that these are alternative transportation

routes. The grant is an 80/20 match and if the City qualifies for transportation credits, those credits will cover the 20% of the City's share.

Motion made by Councilwoman Sitz to approve authorizing request for proposals and qualifications, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

9. Discuss, consider, and/or approve a Resolution granting a Supplemental Easement and Right Away to AEP Texas Inc. Gabriel Lopez, Engineering Tech

Motion made by Councilwoman Sitz to approve a Resolution granting a Supplemental Easement and Right Away to AEP Texas Inc, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

10. Report ~ Discuss, consider, and/or approve the City's Quarterly Financial and Investment Report for the quarter ending December 31, 2022. Scotty Jones, Finance Director

Motion made by Councilwoman Brown to approve the City's Quarterly Financial and Investment Report for the quarter ending December 31, 2022, 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. Bid ~ Discuss, consider, and award bid to Target Roofing for Armory Building Re-Roof project. Scotty Jones, Finance Director

Motion made by Councilman Westmoreland to award bid to Target Roofing for Armory Building Re-Roof project, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

12. Procurement ~ Discuss and take any action to approve emergency procurement by City Manager for repair of Grace Water Plant well. Shawna Burkhart, City Manager

Motion made by Councilwoman Brown to approve emergency procurement by City Manager for repair of Grace Water Plant well, Seconded by Councilman Finlay. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

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

Motion made by Councilwoman Sitz to participate in the Opioid Settlement Participation Agreements with Allergan, CVS, Walgreens and Walmart, Seconded by Mayor Pro Tem Folse. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned to go into an executive session at 7:26 pm.

- 14. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**
- 15. Legal ~ Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).**

RECONVENE AND ACTION

Council reconvened at 8:35 pm.

Motion made by Mayor Pro Tem Folse to authorize the Mayor to approach the Drainage District 1 to delegate its permitting authority to approve drainage for Russell Ranch to the City of Bay City and authorize the Mayor to approve an agreement regarding the same and form approved by City Attorney, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL CONTINUED

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

Item removed from the agenda.

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

Councilwoman Sitz thanked all for handling of water issue and asked that we look in to a Public Information Officer. Councilman Westmoreland stated he appreciated Ms. Burkhart work and direct engagement on the matter and like the idea of a PIO and to look into channels to communicate. Ms. Burkhart informed Council that the city used IBR, part of the Utility Billing software, to rescind the boil notice.

Councilwoman Brown requested that when the sign is up that the water department is closed, let them know that City Hall is open.

Mayor Pro Tem Folse wanted to call out the Palacios City Manager for assistance, stating that he and Councilwoman Sitz attended a Palacios City Council meeting to answer questions regarding TIRZ. Mayor Pro Tem Folse also added that he likes to see our sister cities working together.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Councilwoman Brown, Mayor Pro Tem Folse, Councilwoman Sitz, Councilman Westmoreland, Councilman Finlay. Motion carried and Council adjourned at 8:41 pm.

PASSED AND APPROVED, this 28th day of February 2023.

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY

RESOLUTION NO. 2023-R-_____

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

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

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

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

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

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

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

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

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

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

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

Section one.

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

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

SIGNED AND APPROVED:

CITY OF BAY CITY

By: _____
ROBERT K. NELSON, Mayor

Date signed: _____

ATTEST:

By: _____
JEANNA THOMPSON, City Secretary

Date signed: _____

APPROVED AS TO FORM:

City Attorney



DUE NORTH CONSULTING, INC. 2023

This CiCi Award

Is Presented By

Due North Consulting, Inc.

Publishers Of

Trade & Industry Development Magazine

To

*Bay City Community
Development Corporation*

For Outstanding Achievement
In Economic Development

Highly Innovative Fuels USA



Corporate Investment Division



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:** 2/21/2023
Last, First *MM/DD/YYYY*

Requestor Type : City Staff **Meeting Date:** 2/28/2023
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Library Director
For City Staff Only

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

Agenda Content:

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

Executive Summary of Item:

Enter Text Here.



February 7, 2023

Samantha Denbow
Bay City Public Library
1100 7th St
Bay City, TX 77414-4915

Dear Samantha Denbow,

Congratulations! On behalf of the Texas Municipal Library Directors Association, I am pleased to inform you that you have been awarded the 2022 Achievement of Excellence in Libraries Award.

Your application clearly demonstrated your commitment to providing exceptional service to your community. Of the 542 public library systems in Texas, your library is one of only 73 that have earned this year's award. With this honor, your library is now in the top 15% of all public libraries in the state.

We know you will want to proudly display your accolades, which include a congratulatory letter, a digital medal, and an award template that can be used to order a plaque. The digital medal is an image file that can be used (but not altered) on websites, email signatures, stationery, and other official library promotional materials. The digital image can be made to be clickable to the TMLDA award site or to a page displaying your accomplishment and/or completed application.

Again, congratulations on this accomplishment, and thank you for enriching the lives of your residents and providing your community with outstanding and innovative services.

Sincerely,

Dennis Quinn
Cozby Library and Community Commons, Coppell, TX
TMLDA President, 2022-2023





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

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Requestor Name: Lopez, Gabriel **Date Submitted:** 02/22/2023
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 02/28/2023
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Engineering Technician - 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 adopt a resolution authorizing the submission of the 2023-2024 Texas Community Development Block Grant program application and adopting required CDBG civil rights policies.

Executive Summary of Item:

The City of Bay City plans to apply to the 2023-2024 Texas Community Development Block Grant (TxCDBG) Program of the Texas Department of Agriculture (TDA) to support public infrastructure improvements in the City of Bay City. The grant will potentially help fund improvements to the City's infrastructure that is currently identified in the City's Capital Improvements Plan. The plan is to use these funds to improve the water distribution system in the northwest quadrant of the City.

RESOLUTION R-2023-_____

A RESOLUTION OF THE CITY COUNCIL OF CITY OF BAY CITY, TEXAS, AUTHORIZING THE SUBMISSION OF A 2023/2024 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE FOR THE COMMUNITY DEVELOPMENT FUND.

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

WHEREAS, it is necessary and in the best interests of the City of Bay City to apply for funding under the Texas Community Development Block Grant Program; and

WHEREAS, the City of Bay City in consideration for the receipt and acceptance of federal funding if awarded, agrees to comply with all federal rules and regulations including those rules and regulations governing citizen participation and civil rights protections as follows:

- in accordance with Section 109 of the Title I of the Housing and Community Development Act (24 CFR 6); the Age Discrimination Act of 1975 (42 U.S.C. 6101-6107); and Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and for construction contracts greater than \$10,000, to take actions to ensure that no person or group is denied benefits such as employment, training, housing, and contracts generated by the CDBG activity, on the basis of race, color, religion, sex, national origin, age, or disability;
- in accordance with Section 3 of the Housing and Urban Development Act of 1968, as amended, and 24 CFR Part 75, to the greatest extent feasible, to provide training and employment opportunities to lower income residents and contract opportunities to businesses in the Section 3 Service Area;
- in accordance with Section 104(1) of the Housing and Community Development Act, as amended, and State’s certification requirements at 24 CFR 91.325(b)(6), to adopt an excessive force policy that prohibits the use of excessive force against non-violent civil rights demonstrations;
- in accordance with Executive Order 13166, to take reasonable steps to ensure meaningful access to services in federally assisted programs and activities by persons with limited English proficiency (LEP) and must have an LEP plan in place specific to the locality and beneficiaries for each TxCDBG project;
- in accordance with Section 504 of the Rehabilitation Act of 1973, to not discriminate on the basis of disability and agrees to ensure that qualified individuals with disabilities have access to programs and activities that receive federal funds; and
- in accordance with Section 808(e)(5) of the Fair Housing Act (42 USC 3608(e)(5)) that requires HUD programs and activities be administered in a manner affirmatively to further the policies of the Fair Housing Act, to conduct at least one activity during the contract period of the TxCDBG contract, to affirmatively further fair housing; and

WHEREAS, the City of Bay City, agrees to maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of contracts.

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

1. That a Texas Community Development Block Grant Program application for the Community Development Fund is hereby authorized to be filed on behalf of the City with the Texas Department of Agriculture.
2. That the City's application be placed in competition for funding under the Community Development Fund.
3. That the application be for up to \$500,000.00 of grant funds to provide Water / Wastewater System Improvements and all necessary appurtenances.
4. That all funds 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.
5. That it further be stated that the City of Bay City is committing at minimum \$75,000.00 from its General Fund as a cash contribution toward the administration, engineering, and/or construction activities of this Water / Wastewater System Improvements and all necessary appurtenances project.
6. The City of Bay City adopts the following policies:
 - a. Citizen Participation Plan and Grievance Procedures (Form A1013);
 - b. Excessive Force Policy (Form A1003);
 - c. Fair Housing Policy (Form A1015);
 - d. Section 504 Policy and Grievance Procedures (Form A1004); and
 - e. Code of Conduct Policy (Form A1002).
7. The City of Bay City affirms its commitment to conduct a project-specific analysis and take all appropriate action necessary to comply with program requirements for the following:
 - a. Section 3 economic opportunity;
 - b. Limited English Proficiency; and
 - c. Activity to affirmatively Further Fair Housing choice.

PASSED AND APPROVED on first and final reading this _____day of February 2023.

CITY OF BAY CITY, TEXAS

Robert K. Nelson, Mayor

ATTEST:

APPROVED as to FORM:

Jeanna Thompson, City Secretary

City Attorney

**CITY OF BAY CITY
CITIZEN PARTICIPATION PLAN
TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Note to Grant Recipients regarding Limited English Proficiency (LEP) requirements:

In accordance with federal law, if there is a significant number of the population who are non-English speaking residents and are affected by the TxCDBG project, such citizens should have “meaningful access” to all aspects of the TxCDBG project. To provide ‘meaningful access’, Grant Recipients may need to provide interpreter services at public hearings or provide non-English written materials that are routinely provided in English. Examples of such vital documents include Citizen Participation notices (e.g. complaint procedures, hearing notices) civil rights notices, and any other published notice that may allow an eligible person with limited English proficiency to participate in discussing proposed CDBG activities.

For more information, see LEP.gov.

COMPLAINT PROCEDURES

These complaint procedures comply with the requirements of the Texas Department of Agriculture’s Texas Community Development Block Grant (TxCDBG) Program and Local Government Requirements found in 24 CFR §570.486 (Code of Federal Regulations). Citizens can obtain a copy of these procedures at the City of Bay City offices, 1901 Fifth Street, Bay City, TX 77414, 979-245-2137 during regular business hours.

Below are the formal complaint and grievance procedures regarding the services provided under the TxCDBG project.

1. A person who has a complaint or grievance about any services or activities with respect to the TxCDBG project, whether it is a proposed, ongoing, or completed TxCDBG project, may during regular business hours submit such complaint or grievance, in writing to the Mayor, at the City of Bay City at 1901 Fifth Street, Bay City, TX 77414, or may call (979) 245-2137.
2. A copy of the complaint or grievance shall be transmitted by the Mayor to the entity that is the subject of the complaint or grievance and to the City of Bay City Attorney within five (5) working days after the date of the complaint or grievance was received.
3. The Mayor shall complete an investigation of the complaint or grievance, if practicable, and provide a timely written answer to person who made the complaint or grievance within ten (10) days.
4. If the investigation cannot be completed within ten (10) working days per 3. above, the person who made the grievance or complaint shall be notified, in writing, within fifteen (15) days where practicable after receipt of the original complaint or grievance and shall detail when the investigation should be completed.
5. If necessary, the grievance and a written copy of the subsequent investigation shall be forwarded to the TxCDBG for their further review and comment.
6. If appropriate, provide copies of grievance procedures and responses to grievances in both English and Spanish, or other appropriate language.

TECHNICAL ASSISTANCE

When requested, the City of Bay City shall provide technical assistance to groups that are representative of persons of low- and moderate-income in developing proposals for the use of TxCDBG funds. The City of Bay City, based upon the specific needs of the community's residents at the time of the request, shall determine the level and type of assistance.

PUBLIC HEARING PROVISIONS

For each public hearing scheduled and conducted by the City of Bay City, the following public hearing provisions shall be observed:

1. Public notice of all hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice must include the date, time, location, and topics to be considered at the public hearing. A published newspaper article can also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
2. When a significant number of non-English speaking residents are a part of the potential service area of the TxCDBG project, vital documents such as notices should be published in the predominant language of these non-English speaking citizens.
3. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and the City must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to the hearing.
4. A public hearing held prior to the submission of a TxCDBG application must be held after 5:00 PM on a weekday or at a convenient time on a Saturday or Sunday.
5. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City of Bay City shall comply with the following citizen participation requirements for the preparation and submission of an application for a TxCDBG project:

1. At a minimum, the City of Bay City shall hold at least one (1) public hearing to prior to submitting the application to the Texas Department of Agriculture.
2. The City of Bay City shall retain documentation of the hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the proposed use of funds for three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.
3. The public hearing shall include a discussion with citizens as outlined in the applicable TxCDBG application manual to include, but is not limited to, the development of housing and community development needs, the amount of funding available, all eligible activities under the TxCDBG program, and the use of past TxCDBG contract funds, if applicable. Citizens, with particular emphasis on persons of low- and moderate-income who are residents of slum and blight areas, shall be encouraged to submit their views and proposals regarding community development and housing needs. Citizens shall be made aware of the location where they may submit their views and proposals should they be unable to attend the public hearing.

- 4. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter should be present to accommodate the needs of the non-English speaking residents.

The City of Bay City must comply with the following citizen participation requirements in the event that the City of Bay City receives funds from the TxCDBG program:

- 1. The City of Bay City shall also hold a public hearing concerning any substantial change, as determined by TxCDBG, proposed to be made in the use of TxCDBG funds from one eligible activity to another again using the preceding notice requirements.
- 2. Upon completion of the TxCDBG project, the City of Bay City shall hold a public hearing and review its program performance including the actual use of the TxCDBG funds.
- 3. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, for either a public hearing concerning substantial change to the TxCDBG project or for the closeout of the TxCDBG project, publish notice in both English and Spanish, or other appropriate language and provide an interpreter at the hearing to accommodate the needs of the non-English speaking residents.
- 4. The City of Bay City shall retain documentation of the TxCDBG project, including hearing notice(s), a listing of persons attending the hearing(s), minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three (3) years three (3) years from closeout of the grant to the state. Such records shall be made available to the public in accordance with Chapter 552, Texas Government Code.

Signature

Name, Title

Date

**PLAN DE PARTICIPACIÓN CIUDADANA
PROGRAMA DE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Nota a los receptores de subvención en relación a requisitos de Dominio Limitado del inglés:

De acuerdo con la ley federal hay un número significativo de población que son residentes y que no hablan inglés y son afectados por el proyecto TxCDBG, estos ciudadanos deben tener "acceso significativo" a todos los aspectos del proyecto TxCDBG. Para proporcionar "acceso significativo", receptores de la subvención pueden ser utilizados para proporcionar servicios de interpretación en las audiencias públicas o proporcionar materiales no escritos en inglés que se proporcionan de manera rutinaria en inglés.

Para obtener más información, consulte LEP.gov.

PROCEDIMIENTOS DE QUEJA

Estos procedimientos de queja cumplen con los requisitos del Departamento de Programa de Agricultura de Texas Community Development Block Grant (TxCDBG) y los requisitos del gobierno local de Texas se encuentran en 24 CFR §570.486 (Código de Regulaciones Federales). Los ciudadanos pueden obtener una copia de estos procedimientos en La Ciudad de dirección postal La Ciudad de Bay City, 1901 Fifth Street, Bay City, TX 77414, 979-245-2137, en horario de oficina.

A continuación, se presentan los procedimientos formales de quejas y quejas relativas a los servicios prestados en el marco del proyecto TxCDBG.

1. Una persona que tiene una queja o reclamación sobre cualquiera de los servicios o actividades en relación con el proyecto TxCDBG, o si se trata de una propuesta, en curso o determinado proyecto TxCDBG, pueden durante las horas regulares presentar dicha queja o reclamo, por escrito a El Alcalde de la Ciudad en La Ciudad de Bay City, 1901 Fifth Street, Bay City, TX 77414 o puede llamar a (979) 245-2137.
2. Una copia de la queja o reclamación se transmitirá por el alcalde/el juez a la entidad que es encargada de la queja o reclamación y al Abogado de La Ciudad dentro de los cinco (5) días hábiles siguientes a la fecha de la queja o día que la reclamación fue recibida.
3. El alcalde deberá cumplir una investigación de la queja o reclamación, si es posible, y dará una respuesta oportuna por escrito a la persona que hizo la denuncia o queja dentro de los diez (10) días.
4. Si la investigación no puede ser completada dentro de los diez (10) días hábiles anteriormente, la persona que hizo la queja o denuncia será notificada, por escrito, dentro de los quince (15) días cuando sea posible después de la entrega de la queja original o quejas y detallará cuando se deberá completar la investigación.
5. Si es necesario, la queja y una copia escrita de la investigación posterior se remitirán a la TxCDBG para su posterior revisión y comentarios.
6. Se proporcionará copias de los procedimientos de queja y las respuestas a las quejas, tanto en inglés y español, u otro lenguaje apropiado.

Cuando lo solicite, La Ciudad proporcionará asistencia técnica a los grupos que son representantes de las personas de bajos y moderados ingresos en el desarrollo de propuestas para el uso de los fondos TxDBG. La Ciudad, en base a las necesidades específicas de los residentes de la comunidad en el momento de la solicitud, deberá determinar el nivel y tipo de asistencia.

DISPOSICIONES AUDIENCIA PÚBLICA

Para cada audiencia pública programada y llevada a cabo por La Ciudad, se observarán las disposiciones siguientes de audiencias públicas:

1. Aviso público de todas las audiencias deberá publicarse al menos setenta y dos (72) horas antes de la audiencia programada. El aviso público deberá publicarse en un periódico local. Cada aviso público debe incluir la fecha, hora, lugar y temas a considerar en la audiencia pública. Un artículo periodístico publicado también puede utilizarse para cumplir con este requisito, siempre y cuando cumpla con todos los requisitos de contenido y temporización. Los avisos también deben ser un lugar prominente en los edificios públicos y se distribuyen a las autoridades locales de vivienda pública y otros grupos interesados de la comunidad.
2. Cuando se tenga un número significativo de residentes que no hablan inglés serán una parte de la zona de servicio potencial del proyecto TxDBG, documentos vitales como las comunicaciones deben ser publicados en el idioma predominante de estos ciudadanos que no hablan inglés.
3. Cada audiencia pública se llevará a cabo en un momento y lugar conveniente para los beneficiarios potenciales o reales e incluirá alojamiento para personas con discapacidad. Las personas con discapacidad deben poder asistir a las audiencias y La Ciudad debe hacer los arreglos para las personas que requieren ayudas o servicios auxiliares en caso de necesitarlo por lo menos dos días antes de la audiencia pública.
4. Una audiencia pública celebrada antes de la presentación de una solicitud TxDBG debe hacerse después de las 5:00 pm en un día de semana o en un momento conveniente en sábado o domingo.
5. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad deberá cumplir con los siguientes requisitos de participación ciudadana para la elaboración y presentación de una solicitud para un proyecto TxDBG:

1. Como mínimo, La Ciudad deberá tener por lo menos un (1) audiencia pública antes de presentar la solicitud al Departamento de Agricultura de Texas.
2. La Ciudad conservará la documentación de la convocatoria(s) audiencia, un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otra documentación relativa a la propuesta de utilizar los fondos para tres (3) años a partir de la liquidación de la subvención para el Estado. Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.
3. La audiencia pública deberá incluir una discusión con los ciudadanos como se indica en el manual correspondiente de aplicación TxDBG, pero no se limita a, el desarrollo de las necesidades de vivienda y

desarrollo comunitario, la cantidad de fondos disponibles, todas las actividades elegibles bajo el programa TxCDBG y el uso de fondos últimos contratos TxCDBG, en su caso. Los ciudadanos, con especial énfasis en las personas de bajos y moderados ingresos que son residentes de las zonas de tugurios y tizón, se fomentará a presentar sus opiniones y propuestas sobre el desarrollo de la comunidad y las necesidades de vivienda. Los ciudadanos deben ser conscientes de la ubicación en la que podrán presentar sus puntos de vista y propuestas en caso de que no pueda asistir a la audiencia pública.

- 4. Cuando un número significativo de residentes que no hablan inglés se registra para participar en una audiencia pública, un intérprete debe estar presente para dar cabida a las necesidades de los residentes que no hablan inglés.

La Ciudad debe cumplir con los siguientes requisitos de participación ciudadana en el caso de que La Ciudad recibe fondos del programa TxCDBG:

- 1. La Ciudad celebrará una audiencia pública sobre cualquier cambio sustancial, según lo determinado por TxCDBG, se propuso que se hará con el uso de fondos TxCDBG de una actividad elegible a otro utilizando de nuevo los requisitos de notificación
- 2. Una vez finalizado el proyecto TxCDBG, La Ciudad celebrará una audiencia pública y revisará el desempeño del programa incluyendo el uso real de los fondos TxCDBG.
- 3. Cuando un número significativo de residentes que no hablan inglés se puede registra para participar en una audiencia pública, ya sea para una audiencia pública sobre el cambio sustancial del proyecto TxCDBG o para la liquidación del proyecto TxCDBG, publicará un aviso en inglés y español u otro idioma apropiado y se proporcionara un intérprete en la audiencia para dar cabida a las necesidades de los residentes.
- 4. La Ciudad conservará la documentación del proyecto TxCDBG, incluyendo aviso de audiencia(s), un listado de las personas que asistieron a la audiencia(s), acta de la vista(s), y cualquier otro registro concerniente al uso real de los fondos por un período de a tres (3) años a partir de la liquidación del proyecto al estado.

Dichos registros se pondrán a disposición del público, de conformidad con el Capítulo 552, Código de Gobierno de Texas.

Firma/Signature

Nombre, Título /Name, Title

Fecha/Date

In accordance with 24 CFR 91.325(b)(6), the City of Bay City hereby adopts and will enforce the following policy with respect to the use of excessive force:

1. It is the policy of the City of Bay City to prohibit the use of excessive force by the law enforcement agencies within its jurisdiction against any individual engaged in non-violent civil rights demonstrations;
2. It is also the policy of the City of Bay City to enforce applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction; and
3. The City of Bay City will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Bay City, we the undersigned have read and fully agree to this plan, and become a party to the full implementation of this program.

Signature

Name, Title

Date

A1004

In accordance with 24 CFR Section 8, Nondiscrimination based on Handicap in federally assisted programs and activities of the Department of Housing and Urban Development, Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), and Section 109 of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5309 City of Bay City hereby adopts the following policy and grievance procedures:

1. Discrimination prohibited. No otherwise qualified individual with handicaps in the United States shall, solely by reason of his or her handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance from the Department of Housing and Urban Development (HUD).
2. City of Bay City does not discriminate on the basis of handicap in admission or access to, or treatment or employment in, its federally assisted programs and activities.
3. City of Bay City recruitment materials or publications shall include a statement of this policy in 1. above.
4. City of Bay City shall take continuing steps to notify participants, beneficiaries, applicants and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipients that it does not discriminate on the basis of handicap in violation of 24 CFR Part 8.
5. For hearing and visually impaired individuals eligible to be served or likely to be affected by the TxCDBG program, City of Bay City shall ensure that they are provided with the information necessary to understand and participate in the TxCDBG program.
6. Grievances and Complaints
 - a. Any person who believes she or he has been subjected to discrimination on the basis of disability may file a grievance under this procedure. It is against the law for City of Bay City to retaliate against anyone who files a grievance or cooperates in the investigation of a grievance.
 - b. Complaints should be addressed to the Mayor, City of Bay City, 1901 Fifth Street, Bay City, TX 77414 or call (979) 245-2137, who has been designated to coordinate Section 504 compliance efforts.
 - c. A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.
 - d. A complaint should be filed within thirty (30) working days after the complainant becomes aware of the alleged violation.
 - e. An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation will be conducted by the Mayor. Informal but thorough investigations will afford all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint.
 - f. A written determination as to the validity of the complaint and description of resolution, if any, shall be issued by the Mayor, and a copy forwarded to the complainant with fifteen (15) working days after the filing of the complaint where practicable.
 - g. The Section 504 coordinator shall maintain the files and records of the City of Bay City relating to the complaint files.

- h. The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the determination/resolution as described in f. above. The request for reconsideration should be made to the City of Bay City within ten working days after the receipt of the written determination/resolution.
- i. The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the U.S. Department of Housing and Urban Development. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.
- j. These procedures shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards and assure that the City of Bay City complies with Section 504 and HUD regulations.

Signature

Name, Title

Date

Code of Conduct Policy of The City of Bay City

As a Grant Recipient of a TxCDBG contract, City of Bay City shall avoid, neutralize or mitigate actual or potential conflicts of interest so as to prevent an unfair competitive advantage or the existence of conflicting roles that might impair the performance of the TxCDBG contract or impact the integrity of the procurement process.

For procurement of goods and services, no employee, officer, or agent of the City of Bay City shall participate in the selection, award, or administration of a contract supported by TxCDBG funds if he or she has a real or apparent conflict of interest. Such a conflict could arise if the employee, officer or agent; any member of his/her immediate family; his/her partner; or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

No officer, employee, or agent of the City of Bay City shall solicit or accept gratuities, favors or anything of monetary value from contractors or firms, potential contractors or firms, or parties to sub-agreements, except where the financial interest is not substantial or the gift is an unsolicited item of nominal intrinsic value.

Contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements.

For all other cases, no employee, agent, consultant, officer, or elected or appointed official of the state, or of a unit of general local government, or of any designated public agencies, or subrecipients which are receiving TxCDBG funds, that has any CDBG function/responsibility, or is in a position to participate in a decision-making process or gain inside information, may obtain a financial interest or benefit from the TxCDBG activity.

The conflict-of-interest restrictions and procurement requirements identified herein shall apply to a benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet the National Program Objective.

Any person or entity including any benefitting business, utility provider, or other third-party entity that is receiving assistance, directly or indirectly, under a TxCDBG contract or award, or that is required to complete some or all work under the TxCDBG contract in order to meet a National Program Objective, that might potentially receive benefits from TxCDBG awards may not participate in the selection, award, or administration of a contract supported by CDBG funding.

Any alleged violations of these standards of conduct shall be referred to the City of Bay City Attorney. Where violations appear to have occurred, the offending employee, officer or agent shall be subject to disciplinary action, including but not limited to dismissal or transfer; where violations or infractions appear to be substantial in nature, the matter may be referred to the appropriate officials for criminal investigation and possible prosecution.

Signature

Name, Title

Date

These procedures are intended to serve as guidelines for the procurement of supplies, equipment, construction services and professional services for the Texas Community Development Block Grant (TxCDBG) Program. The regulations related to conflict of interest and nepotism may be found at the Texas Government Code Chapter 573, Texas Local Government Code Chapter 171, Uniform Grant Management Standards by Texas Comptroller, 24 CFR 570.489(g) &(h), and 2 CFR 200.318

Fair Housing Policy

In accordance with Fair Housing Act, the City of Bay City hereby adopts the following policy with respect to the Affirmatively Furthering Fair Housing:

1. City of Bay City agrees to affirmatively further fair housing choice for all seven protected classes (race, color, religion, sex, disability, familial status, and national origin).
2. City of Bay City agrees to plan at least one activity during the contract term to affirmatively further fair housing.
3. City of Bay City will introduce and pass a resolution adopting this policy.

As officers and representatives of City of Bay City, we the undersigned have read and fully agree to this plan and become a party to the full implementation of this program.

Signature

Name, Title

Date



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

AGENDA ITEM SUBMISSION FORM

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

Requestor Name: Lopez, Gabriel **Date Submitted:** 02/22/2023
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 02/28/2023
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Engineering Technician - 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 adopt a resolution to designate authorized signatories for the 2023-2024 Texas Community Development Block Grant program.

Executive Summary of Item:

The City of Bay City plans to apply to the 2023-2024 Texas Community Development Block Grant (TxCDBG) Program of the Texas Department of Agriculture (TDA) to support public infrastructure improvements in the City of Bay City. The grant will potentially help fund improvements to the City's infrastructure that is currently identified in the City's Capital Improvements Plan. The plan is to use these funds to improve the water distribution system in the northwest quadrant of the City.

RESOLUTION R-2023-_____

A RESOLUTION OF THE CITY COUNCIL OF CITY OF BAY CITY, TEXAS AUTHORIZING CITY REPRESENTATIVES IN MATTERS PERTAINING TO THE CITY'S PARTICIPATION IN THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

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

WHEREAS, it is necessary and in the best interests of the City to participate in the Texas Community Development Block Grant Program; and

WHEREAS, the City Council of City of Bay City is committed to compliance with federal, state, and program rules, including the current TxCDBG Project Implementation Manual.

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

That the City Council directs and designates the following to act in all matters in connection with any grant application and the City's participation in the Texas Community Development Block Grant Program:

- Section 1. The Mayor and City Manager shall serve as the City's Chief Executive Officer and Authorized Representative to:
 - execute a grant application and any subsequent contractual documents,
 - certify environmental review documents between the Texas Department of Agriculture and the City, and
 - certify the Payment Request form and/or other forms required for requesting funds to reimburse project costs, and
 - be assigned the role of Authorized Official in the TDA-GO grant management system.
- Section 2. In addition to the above designated officials, should any grant be funded the Mayor Pro-Tem, City Manager, City Finance Director, etc. is authorized to:
 - certify the Payment Request form and/or other forms required for requesting funds to reimburse project costs,
 - prepare and submit other financial documentation, and
 - be assigned the role of Project Director or Payment Processor in the TDA-GO grant management system.

[SIGNATURE PAGE FOLLOWS.]

PASSED AND APPROVED on first and final reading this _____ day of February 2023.

CITY OF BAY CITY, TEXAS

Robert K. Nelson, Mayor

ATTEST:

APPROVED as to FORM:

Jeanna Thompson, City Secretary

City Attorney



CITY OF BAY CITY
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Requestor Name: Lopez, Gabriel **Date Submitted:** 02/22/2023
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 02/28/2023
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Engineering Technician - 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 accept the community wide housing analysis performed regarding impediments to fair housing for the city of bay city as part of the grant application for the 2023-2024 Texas Community Development Block Grant program.

Executive Summary of Item:

The City of Bay City plans to apply to the 2023-2024 Texas Community Development Block Grant (TxCDBG) Program of the Texas Department of Agriculture (TDA) to support public infrastructure improvements in the City of Bay City. The grant will potentially help fund improvements to the City's infrastructure that is currently identified in the City's Capital Improvements Plan. The plan is to use these funds to improve the water distribution system in the northwest quadrant of the City.



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AGENDA ITEM SUBMISSION FORM

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Requestor Name: Calhoun, Barry **Date Submitted:** 02/23/2023
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 02/28/2023
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Director of Public Works
For City Staff Only

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

Agenda Content:

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

Executive Summary of Item:

The Drinking Water State Revolving Fund, authorized by the Safe Drinking Water Act, provides low-cost financial assistance for planning, acquisition, design, and construction of water infrastructure. Eligible applicants for the DWSRF include publicly and privately-owned community water systems, including nonprofit water supply corporations and nonprofit, non-community public water systems.

The City of Bay City was awarded \$20,300,00 in funding from the Texas Water Development Board (TWDB) to make critical improvements to the City's water systems. These improvements will include upgrades to our existing water plants, water distribution system, water meters, and new water plants.

This agenda item is to approve \$82,500 in additional work authorizations to the existing contract between the City of Bay City and Garver to assist the City with the design, bidding, and construction management services for the new Bay City North Water Plant Project. The additional work includes upgrades to match the design of the new East Water Plant as requested by City Council.

It is staff's recommendation to approve Contract Amendment No.1 to Work Authorization No. 5 so the City can move forward with this project.



**AMENDMENT TO AGREEMENT FOR PROFESSIONAL SERVICES
CITY OF BAY CITY
Bay City, Texas
Project No. 20W09161**

CONTRACT AMENDMENT NO. 1

This Contract Amendment No. 1 ("Amendment"), effective on the date last written below, shall amend the original contract between Bay City ("Owner") and Garver, LLC ("Garver"), dated October 27th, 2020 referred to in the following paragraphs as the "Agreement."

This Amendment adds professional services for **Work Order No. 5 - North Water Plant Design and Construction Phase Services.**

The Agreement is hereby modified as follows:

SECTION A – Scope of Services and Payment Schedule

The attached **Appendix A.1** is hereby added to Section A of the Agreement

The parties hereby affirm, no other changes or modification are applicable to the terms of the Agreement, all other provisions are binding and effective as provided for in said Agreement.

This Agreement may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

[Signature Page to Follow]



IN WITNESS WHEREOF, City of Bay City and Garver have executed this Amendment effective as of the date last written below.

CITY OF BAY CITY

GARVER, LLC

By: _____
Signature

By: D. N. Olson
Signature

Name: _____
Printed Name

Name: Daniel N. Olson, P.E.
Printed Name

Title: _____

Title: Vice President

Date: _____

Date: 1/26/23

Attest: _____

Attest: Brianna JS



APPENDIX A.1 – SCOPE OF SERVICES AND FEE SCHEDULE

1. General

Bay City has requested Garver to prepare additional detailed design services for the North WTP. The following sections provide the detail scope of work.

2. Project Location:

The North WTP plant will be located at 1702 State Hwy 60 N., Bay City, Texas 77414

3. Scope of Work

Provide additional water supply, storage, and flows for the North WTP to match that of the East WTP. Detailed design services will include a change in new groundwater well size/capacity from 1,000 gpm to 2,000 gpm, booster pump station modifications, one additional 500,000-gallon ground storage tank (GST), requisite electrical upgrades, yard piping improvements, and associated site/civil improvements.

4. Fee Schedule

An estimated total lump sum fee of \$82,500.00. Details on the level of efforts for cost on each parcel work are shown below.

Task	Cost
TASK I - Program Management and DWSRF Funding Support	\$0.00
TASK II - Project Administration	\$3,472.00
TASK III - 60% Design Deliverable	\$0.00
TASK IV - 90% Design Deliverable	\$0.00
TASK V - Package Permitting Set	\$2,372.00
TASK VI - Bid-Ready Design Deliverable	\$76,656.00
TASK VII - Bidding Services	\$0.00
TASK VIII - TWDB Coordination	\$0.00
TASK IX - Construction Phase	\$0.00
Total Cost	\$82,500.00

5. Project Deliverable:

Deliverable will be signed and sealed detailed design and specifications ready to be issued for bid by the City.

6. Project Schedule:

Bid-ready design deliverable to be completed within 15 days upon authorization from the City.



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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:** 02/23/2023
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 02/28/2023
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Director of Public Works
For City Staff Only

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

Agenda Content:

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

Executive Summary of Item:

The Drinking Water State Revolving Fund, authorized by the Safe Drinking Water Act, provides low-cost financial assistance for planning, acquisition, design, and construction of water infrastructure. Eligible applicants for the DWSRF include publicly and privately-owned community water systems, including nonprofit water supply corporations and nonprofit, non-community public water systems.

The City of Bay City was awarded \$20,300,00 in funding from the Texas Water Development Board (TWDB) to make critical improvements to the City's water systems. These improvements will include upgrades to our existing water plants, water distribution system, water meters, and new water plants.

This agenda item is to remove \$55,824 in work originally approved for the Bay City Regional Airport Water Well Technical Support Design. Funding was not approved with the Texas Water Development Board for the construction of a water well at the Bay City Regional Airport. Therefore, this scope of services is no longer needed.

It is staff's recommendation to approve Contract Amendment No.1 to Work Authorization No. 7 so the City can move forward with this project.



**EXHIBIT C
(FORM OF AMENDMENT)**

**AMENDMENT TO WORK ORDER NO. 7
CITY OF BAY CITY
BAY CITY, TEXAS
Project No. 20W09162**

AMENDMENT NO. 1

This Amendment No. 1, effective on the date last written below, shall amend the original contract between the City of Bay City, Texas (“**Owner**”) and Garver, LLC (“**Garver**”), dated October 27, 2020 (the “**Agreement**”).

This Amendment No. 1 modifies the Services for the:

**Work Order No. 7 – SH 35 East Water Plant, Well No. 12 & Bay City Regional Airport Water Well
Technical Support Design and Construction Phase Services**

The Agreement is hereby modified as follows:

SECTION 3 – Appendix A (Scope of Services) and Appendix B (Fee Summary)

Section 3 of the Agreement is hereby amended as follows:

Task X – Airport Water System Hydraulic Modeling and Task XI – Airport Water System Technical Support are removed from the scope of work and respective fee. The two tasks total fee is \$55,824.00 and removal of the tasks results in a total of \$747,102.00 for Work Order No. 7.

The original Work Order No. 7 is attached with the respective tasks represented with strike outs.



This Amendment may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

IN WITNESS WHEREOF, Owner and Garver have executed this Amendment effective as of the date last written below.

CITY OF BAY CITY, TEXAS

GARVER, LLC

By: _____
Signature

By: _____
Signature

Name: _____
Printed Name

Name: Daniel N. Olson, P.E.
Printed Name

Title: _____

Title: Vice President

Date: _____

Date: _____



EXHIBIT A

WORK ORDER NO. 7

CITY OF BAY CITY

**SH 35 East Water Plant, Well No. 12 & Bay City Regional Airport Water Well Technical Support
Design and Construction Phase Services
Project No. 20W09162**

This WORK ORDER (“Work Order”) is made by and between the **City of Bay City** (hereinafter referred to as “Owner”) and **Garver, LLC**, (hereinafter referred to as “Garver”) in accordance with the provisions of the MASTER AGREEMENT FOR PROFESSIONAL SERVICES executed on October 27, 2020 (the “Agreement”).

Under this Work Order, the Owner intends to make the following improvements for **Bay City SH 35 East Water Plant, Well No. 12 & Bay City Regional Airport Water Well Technical Support Design and Construction Phase Services**:

Generally, the scope of services generally includes preparing detailed design, bidding and construction phase services for a new water supply and storage facility called the East Water Plant. The detailed design and construction phase services will be for a site that includes one new groundwater well, booster pump station, two 500,000-gallon ground storage tanks (GST), and site improvements. Garver will also provide technical support to the City during the design of a new water supply well and storage tank at the Bay City Regional Airport.

Garver will provide professional services as described herein. Terms not defined herein shall have the meaning assigned to them in the Agreement.

1. SCOPE OF SERVICES

1.1. Refer to APPENDIX A – SCOPE OF SERVICES.

2. PAYMENT

2.1. The lump sum amount to be paid under this Agreement is ~~\$802,926.00~~ ^{\$747,102.00}. For informational purposes, a breakdown of Garver’s estimated costs is included in APPENDIX B – FEE SUMMARY.

3. APPENDICES

3.1. The following Appendices are attached to and made a part of this Work Order:
Appendix A – Scope of Services
Appendix B – Fee Summary



This Work Order may be executed in two (2) or more counterparts each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.

The effective date of this Work Order shall be the last date written below.

CITY OF BAY CITY

GARVER, LLC

By: _____
Signature

By: _____
Signature

Name: Robert K. Nelson
Printed Name

Name: Daniel N. Olson, P.E.
Printed Name

Title: Mayor

Title: Principal

Date: _____

Date: _____

Attest: _____

Attest: _____

Appendix A

SCOPE OF SERVICES

CITY OF BAY CITY, TEXAS
SH 35 East Water Plant, Well No. 12 & Bay City Regional Airport Water Well
Technical Support
Design and Construction Phase Services

I. Background

These services follow the previously authorized Work Order No. 2 signed on October 27, 2020. The City of Bay City ("City") selected Garver to prepare detailed design and construction phase services for a new water plant needed to provide water supply, storage, and flows to meet the COBC's growing demand. The detailed design and construction phase services will be for a site that includes one new groundwater well, booster pump station, two 500,000-gallon ground storage tanks (GST), and site improvements.

Garver participated in securing funding for the work through the Texas Water Development Board's (TWDB) State Revolving Funds (SRF). The COBC is both owner and the client for this project. Engineering and construction for this project are intended to be financed through the TWDB SRF process. Construction for this work is expected to be executed under one design-bid-build construction contracts.

II. Scope of Work

The following scope of work describes the services to be provided.

A. Task I – Program Management and Funding Support

1. Provide program management assistance to the City for execution of the Drinking Water State Revolving Fund (DWSRF) projects.
 - a. Support the City with project scheduling and budget forecasting.
2. Provide Texas Water Development Board (TWDB) funding support assistance to execute the DWSRF projects.
 - a. Provide and respond to coordination with TWDB, bond counsel, financial advisor, and the City.
 - b. Assist the City with completion of forms and documentation associated with funding.
 - c. Prepare environmental assessment documentation and coordination with TWDB for approval.

B. Task II – Project Administration

1. Garver will prepare the Project Management Plan (PMP) and Quality Control/Assurance Plan.
2. Schedule and conduct up to eight progress meetings with the Owner. In addition to reviewing progress at each meeting, review project deliverable status, current schedule, outstanding action items, and project bottlenecks that could impact schedule, budget status, and decisions made. Prepare agenda and meeting materials, direct and document meetings to review progress, and facilitate the exchange of ideas and information. Prepare draft meeting minutes, to include action lists and decision lists, within ten business days to submit to the Owner for review and approval. Final minutes will be issued after receipt of review

Appendix A

comments. The first progress meeting will include a project start-up meeting to confirm project scope, personnel, lines of communication, security protocols, change management, and schedule.

3. Garver will prepare and provide monthly progress/status reports, sufficient to support monthly invoices. Monthly status reports shall be submitted with monthly invoices and project updates.

C. Task III – 60% Design Deliverable

1. Garver to visit site, meet with operators and conduct field investigation.
 - a. Conduct topographic site survey of the purchased parcel and topographic route survey of existing access road to State Highway 35.
2. Prepare 60% design drawings for one construction contract.
3. Garver will develop a list of technical specifications and develop preliminary front-end documents. Garver will utilize the Texas Water Development Board (TWDB) and Engineers Joint Council Documents Committee (EJCDC) standard documents as a base for developing the project's front-end documents.
 - a. EJCDC's standard General Conditions shall be utilized with edits being provided by the Supplemental Conditions. Standard forms, as required by the funding source, will be incorporated.
4. Prepare an estimate of construction quantities and develop an AACE Class 3 preliminary opinion of probable construction cost (OPCC).
5. Garver to conduct QA/QC of 60% Design based on the Project Management Plan.
6. 60% Design Workshop with COBC.

D. Task IV – 90% Design Deliverable

1. During the Final Design (90%) phase of the project, Garver will incorporate the comments from the 60% reviews to complete the design.
2. Prepare 90% Design drawings for one construction contract.
3. Prepare a specification book including any technical specifications needed for the project, draft bid item description narrative, and bid item schedule.
 - a. EJCDC's standard General Conditions shall be utilized with edits being provided by the Supplemental Conditions. Standard forms, as required by the funding source, will be incorporated.
4. Prepare an estimate of construction quantities and develop an AACE Class 2 preliminary opinion of probable construction cost (OPCC).
5. Garver to conduct QA/QC of 90% Design based on the Project Management Plan.
6. 90% Design Workshop with COBC.

Appendix A

E. Task V – Package Permitting Set

This task is to fulfill the TCEQ requirement for adding new water supplies. TCEQ requires an engineering report to be submitted as part of the construction plan review. The intent of this report is to identify the upcoming demands and the capacity provided as part of the proposed improvements.

1. A summary letter will be developed, and a sealed permitting set will be compiled to submit to TWDB and TCEQ for construction approval. This set will include all drawings and specifications as required by TWDB and TCEQ. It is anticipated that TWDB will provide the primary design reviews for the submittals, and letters of notification will be required to notify TCEQ that TWDB is providing the review of the documents. Responses to TWDB/TCEQ comments will be coordinated with the Owner and addressed in the final documents.
2. Garver to conduct QA/QC of Package Permitting Set based on Project Management Plan.

F. Task VI – Bid-Ready Design Deliverable

1. During the Contract Documents (100%) phase of the project, Garver will incorporate the comments from the 90% reviews to create the biddable design documents.
2. Finalize specification book and special conditions, if any. The Contract Documents will consist of drawings and specifications that set forth requirements for construction of the improvements and shall include proposal forms, notice to bidders, bid forms, bond forms, and other information as required by the Owner to competitively bid the work.
3. Finalize construction quantities and prepare final OPCC (AACE Class 2).
4. Garver to conduct QA/QC of Bid-Ready Construction Package based on Project Management Plan.

G. Task VII - Bidding Services

1. Bidding Assistance will include the following efforts:
 - a. Prepare and submit Advertisement for Bids to the COBC for newspaper publication as directed by the Owner. The owner will submit to the newspaper and will pay advertising costs outside of this contract.
 - b. Post advertisement for bids, construction contract documents, and any associated information to the Owner to be posted by Garver on its Website for download by prospective bidders.
 - c. Support the contract documents by preparing addenda as appropriate.
 - d. Prepare for and participate in one pre-bid meeting.
 - e. Prepare a pre-bid meeting agenda.
 - f. Participate and lead a construction site tour following the pre-bid meeting by interested pre-bid meeting attendees and other interested parties.
 - g. Attend the bid opening.
 - h. Prepare bid tabulation.
 - i. Evaluate bids and recommend awards.
 - j. Attend and participate in reporting recommendation of award to Owner Council.
 - k. Prepare construction contracts.
 - l. Prepare conformed documents.

Appendix A

H. Task VIII – TWDB Coordination

Garver will assist the Owner in meeting the funding program requirements of the TWDB's Clean Water State Revolving Fund (CWSRF). Garver will perform the following tasks:

1. Provide design deliverables to the TWDB at each phase.
 - a. Deliver report, plans, and/or specifications at each design deliverable to the Owner for submittal to the TWDB.
2. Coordinate bid documents with the TWDB to provide program compliance.
 - a. Coordinate with the TWDB to address comments regarding the design deliverables.
3. Coordinate with the TWDB regarding questions and comments for bidding documents and bidding requirements.
 - a. Garver will be responsible for all other TWDB coordination, forms, and reimbursement requests.

I. Task IX – Construction Phase

1. Issue a Notice to Proceed letter to the Contractor.
2. Attend a kick-off meeting and up to ten monthly progress/coordination meetings with the COBC/Contractor.
3. Evaluate and respond to construction material submittals and shop drawings. Corrections or comments made by Garver on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. Garver's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, Garver shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
4. Construction inspection services will be provided by Garver's Resident Project Representative based on 365 calendar day construction duration.
 - a. Establish and utilize a document control structure and facilitate contract correspondence, submittal reviews, RFI's, and other processes as needed to support the project.
 - b. Consult with and advise the Owner during the construction period.
 - c. Provide full-time resident construction inspection services for the construction contract performance time.
 - d. Coordinate with the firm providing construction materials quality assurance testing under separate contract with the Owner.
 - e. Maintain a file of quantities incorporated into the work, test reports, certifications, shop drawings and submittals, and other appropriate information. This information will be

Appendix A

- uploaded to the documentation system and maintained for the duration of the project.
- f. Maintain a project diary which will contain information pertinent to each site visit.
 - g. Review the Contractor's progress payment requests based on the actual quantities of contract items completed and accepted and will make a recommendation to the Owner regarding payment. Garver's recommendation for payment shall not be a representation that Garver has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.
 - h. Ensure that the Contractor maintains a set of working as-built drawings for use in final record drawings. Garver will review working drawings on a monthly basis as part of the pay application approval process.
 - i. Observe work in place by the Contractor to ensure that work is in conformance with the project plans, specifications and submittal documents. Notify the Contractor of any work deemed substandard and operate in best interest of the Owner.
5. Issue instructions to the Contractor on behalf of the COBC and issue necessary clarifications (respond to RFIs) regarding the construction contract documents.
 - a. This scope assumes up to ten RFIs submitted by the contractor during construction.
 6. Review the Contractor's progress payment requests based on the actual quantities of contract items completed, accepted, and will make a recommendation to the COBC regarding payment. Garver's recommendation for payment shall not be a representation that Garver has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.
 7. When authorized by the COBC, prepare up to two change orders for changes in the work from that originally provided for in the construction contract documents. If redesign or substantial engineering or surveying is required in the preparation of these change order documents, the COBC will pay Garver an additional fee to be agreed upon by the COBC and Garver.
 8. Participate in one substantial completion project inspection, prepare punch list, review final project closing documents, and submit final pay request.
 9. Prepare one set of electronic record drawings. The Contractor will be responsible for maintaining a clear set of markups that record any changes or deviations from the 100% set of Contract Documents.

The proposed fee for Construction Phase Services is based on a **365 calendar-day** construction contract performance time. If the construction time extends beyond the time established, and the COBC wants Garver to continue the applicable Construction Phase Services, the COBC will pay Garver an additional fee agreed to by the COBC and Garver.

In performing construction phase services, Garver will endeavor to protect the COBC against defects and deficiencies in the work of the Contractor(s); but Garver cannot guarantee the performance of the Contractor(s), nor be responsible for the actual supervision of construction operations or for the safety measures that the Contractor(s) takes or should take. However, if at any time during construction Garver observes that the Contractor's work does not comply with the construction contract documents, Garver will notify the Contractor of such non-compliance and instruct him to

Appendix A

correct the deficiency and/or stop work, as appropriate for the situation. Garver will also record the observance, the discussion, and the actions taken. If the Contractor continues without satisfactory corrective action, Garver will notify the COBC immediately, so that appropriate action under the COBC's contract with the Contractor can be taken.

~~J. Task X – Airport Water System Hydraulic Modeling~~

~~Garver will assist the Owner by developing a hydraulic model of the airport's proposed distribution and fire suppression system.~~

- ~~1. Garver will review and develop a hydraulic model representing the improvements to be designed by Others.~~
 - ~~a. Garver assumes the other design consultants will share the electronic files associated with the water supply and fire suppression system improvements.~~
 - ~~b. Fire flows and other demands will be based on previously completed reports.~~
- ~~2. Prepare and submit letter technical memorandum with recommendations for the airport water supply and fire suppression system improvements.~~
- ~~3. Garver to conduct QA/QC of letter technical memorandum based on Project Management Plan.~~

~~K. Task XI – Airport Water System Technical Support~~

- ~~1. Garver will provide technical support to the City during the design of a new water supply well and storage tank at the Bay City Regional Airport. Design documents will be prepared by others.~~
 - ~~a. Garver will review design documents at 60% Design, 90% Design, and Final Design, and will provide comments on the design documents to the City.~~
 - ~~b. Garver will coordinate the water well and storage tank specification to be consistent with the specifications used for the new North Water Plant and East Water Plant.~~

III. Additional Services

Additional Services is to be authorized as needed after written confirmation by the COBC.

1. Easement and Property Acquisition
2. Subsurface Utility Engineering (SUE)
3. Geotechnical Investigation
4. Environmental Site Assessment

IV. Extra Work

The following items are not included under this agreement but will be considered as extra work:

1. Traffic Control Plan (TCP);
2. Redesign for the COBC's convenience or due to changed conditions after previous alternate direction and/or approval.
3. Submittals or deliverables in addition to those listed herein.
4. Design of any utilities relocation beyond those listed herein.
5. Services after construction, such as warranty follow-up, operations support, etc.
6. SCADA design or programming services of any kind.
7. Arc flash or other power system studies.

Appendix A

V. Schedule

Garver shall begin work under this Agreement within ten (10) days of a Notice to Proceed and shall complete the work in accordance with the schedule below:

Phase Description	Calendar Days
Kickoff Meeting	5 days from Notice to Proceed
Topographic Survey and Draft Geotechnical Report	75 days from Kickoff Meeting
Deliver 60% Design Documents	60 days from receipt of Topographic Survey and Draft Geotechnical Report
60% Design Workshop	14 days after delivery of 60% Design Documents
Deliver 90% Design Documents	45 days from 60% Design Workshop
90% Design Workshop	14 days after delivery of 90% Design Construction Documents
Submit Bid-Ready Design Documents and TCEQ Design Report to Permitting	30 days from 90% Design Workshop

*Note: for planning purposes, 10 days are assumed for City review from receipt of a DRAFT submittal until comments are expected to be received.

APPENDIX B

**City of Bay City, Texas
SH35 East Water Plant, Well No. 12 & Bay City Regional Airport Water Well Technical Support
Design and Construction Phase Services (LUMP SUM)**

SUMMARY

Task	Cost
TASK I - Program Management and DWSRF Funding	\$ 35,860.00
TASK II - Project Administration	\$ 37,144.00
TASK III - 60% Design Deliverable	\$ 166,514.00
TASK IV - 90% Design Deliverable	\$ 118,674.00
TASK V - Package Permitting Set	\$ 14,496.00
TASK VI - Bid-Ready Design Deliverable	\$ 65,424.00
TASK VII - Bidding Services	\$ 10,550.00
TASK VIII - TWDB Coordination	\$ 14,720.00
TASK IX - Construction Phase	\$ 283,720.00
TASK X - Airport Water System Hydraulic Modeling	\$ 23,544.00
TASK XI - Airport Water System Technical Support	\$ 32,280.00
Total Cost	\$ 802,926.00 \$ 747,102.00