



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, May 12, 2020 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

Due to the City of Bay City practicing social distancing, City Hall Council Chambers will not be open to the public. Citizens may call (979) 323-1125 to listen and participate during the live meeting (i.e. public comments and to speak on agenda items). You can watch the live meeting by clicking on the following link: [City Council Meeting - Live](#)

COUNCIL MEMBERS

Mayor: Robert K Nelson

Mayor Pro Tem: Jason W. Childers

Council Members: William Cornman, Brent P. Marceaux, Becca Sitz, Julie Estlinbaum

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

AGENDA

CALL TO ORDER

INVOCATION & PLEDGE

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

(Councilman Bill Cornman)

CERTIFICATION OF QUORUM

MISSION STATEMENT

The City of Bay City is a community that fosters future economic growth, strives to deliver superior municipal services, invests in quality of life initiatives and is the Gateway to the Great Outdoors. We encourage access to our unique historical and eco-cultural resources while maintaining our small-town Texas charm.

(Councilman Bill Cornman)

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. DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON APRIL 28, 2020.**
(Rhonda Clegg, Acting Deputy City Secretary)

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 2. DISCUSS, CONSIDER AND/OR APPROVE A REQUEST FROM THE STARBUCKS CONTRACTOR TO REBATE UTILITY TAP FEES.**
(Shawna Burkhart, City Manager)
- 3. DISCUSS, CONSIDER AND/OR APPROVE WAIVING LIENS ASSESSED AGAINST 0 AVENUE B, BAY CITY, TEXAS.**
(Melinda Moudy, Bay City Realty)
- 4. DISCUSS, CONSIDER, AND/OR APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BAY CITY AND MATAGORDA COUNTY REGARDING THE BAY CITY PUBLIC LIBRARY.**
(Samantha Denbow, Library Director)
- 5. RECEIVE QUARTERLY UPDATE ON LIBRARY OPERATIONS.**
(Samantha Denbow, Library Director)
- 6. RECEIVE UPDATE FROM AIRPORT MANAGER ON THE CARES ACT AND ITS EFFECT ON THE AIRPORT.**
(James Mason, Airport Manager)
- 7. DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY OF BAY CITY NAMING THE TEXAS DEPARTMENT OF TRANSPORTATION AS ITS AGENT FOR THE PURPOSES OF APPLYING FOR, RECEIVING AND DISBURSING FUNDS FOR SPECIFIED IMPROVEMENTS AND FOR THE ADMINISTRATION OF CONTRACTS NECESSARY FOR THE BAY CITY REGIONAL AIRPORT.**
(James Mason, Airport Manager)
- 8. DISCUSS, CONSIDER, AND/OR AWARD THE CONSTRUCTION BID FOR THE MISCELLANEOUS CONCRETE REPAIRS TO THE LOWEST RESPONSIBLE BIDDER AND AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND THE LOWEST RESPONSIBLE BIDDER.**
(Barry Calhoun, Director of Public Works)

- 9. DISCUSS, CONSIDER, AND/OR APPROVE AWARDED THE CONSTRUCTION BID FOR THE KATY WATER PLANT IMPROVEMENTS PROJECT TO C.F. MCDONALD ELECTRIC, INC. IN THE AMOUNT OF \$584,469.00 AND AUTHORIZE THE MAYOR/CITY MANAGER TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND C.F. MCDONALD ELECTRIC, INC.**

(Louis Rodriguez, Assistant Director of Public Works)

- 10. RECEIVE AN UPDATE ON RIVERSIDE PARK.**

(Shawn Blackburn, Director of Parks and Recreation)

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized: The City Council may vote and/or act upon any item within this Agenda. The Council reserves the right to retire into executive session concerning any of the items listed on this Agenda, pursuant to and in accordance with Texas Government Code Section 551.071, to seek the advice of its attorney about pending or contemplated litigation, settlement offer or on a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflict with the Open Meetings Act and may invoke this right where the City Attorney, the Mayor or a majority of the Governing Body deems an executive session is necessary to allow privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

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.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to

satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

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, May 8, 2020 before 6:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.

CITY OF BAY CITY

MINUTES • APRIL 28, 2020

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting

6:00 PM

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



Mayor

Robert K. Nelson

Councilman

William Cornman

Mayor Pro Tem

Jason W. Childers

Councilman

Brent P. Marceaux

Councilwoman

Becca Sitz

Councilwoman

Julie Estlinbaum

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

CALL TO ORDER

Mayor Nelson called the meeting to order at 6 p.m.

INVOCATION & PLEDGE

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

Councilman Marceaux led the invocation and pledges.

CERTIFICATION OF QUORUM

A quorum was present.

PRESENT

- Mayor Robert K. Nelson
- Mayor Pro Tem Jason W. Childers
- Councilman William Cornman
- Councilman Brent P. Marceaux
- Councilwoman Becca Sitz
- Councilwoman Julie Estlinbaum

Motion made by Councilman Cornman, Seconded by Councilwoman Sitz.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

MISSION STATEMENT

The City of Bay City is a community that fosters future economic growth, strives to deliver superior municipal services, invests in quality of life initiatives and is the Gateway to the Great Outdoors. We encourage access to our unique historical and eco-cultural resources while maintaining our small-town Texas charm.

Councilman Brent Marceaux read the City’s Mission Statement.

APPROVAL OF AGENDA

Motion made by Councilman Cornman, Seconded by Councilwoman Estlinbaum.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

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.

There were no public comments.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

- 1. DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES OF THE WORKSHOP HELD ON APRIL 7, 2020.**

(Rhonda Clegg, Acting Deputy City Secretary)

Councilman Marceaux pointed out that in Workshop Minutes the word should be 'fine', instead of 'find', when referring to Councilwoman Estlinbaum's comments.

Motion made by Councilman Cornman, Seconded by Mayor Pro Tem Childers.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

- 2. DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES OF THE REGULAR COUNCIL MEETING HELD ON APRIL 7, 2020.**

(Rhonda Clegg, Acting Deputy City Secretary)

Motion made by Councilman Cornman, Seconded by Mayor Pro Tem Childers.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

- 3. DISCUSS, CONSIDER AND/OR APPROVE THE MINUTES OF THE WORKSHOP HELD ON APRIL 17, 2020.**

(Rhonda Clegg, Acting Deputy City Secretary)

Motion made by Councilman Cornman, Seconded by Mayor Pro Tem Childers.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

- 4. DISCUSS, CONSIDER AND/OR APPROVE ACCOUNTS PAYABLE, DIRECT PAYABLE AND UTILITY REFUNDS FOR JANUARY, FEBRUARY AND MARCH 2020.**

(Scotty Jones, Finance Director)

Motion made by Councilman Cornman, Seconded by Mayor Pro Tem Childers.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 5. DISCUSS, CONSIDER AND/OR APPROVE THE CITY OF BAY CITY WAIVING THE BAY CITY HOUSING AUTHORITY PAYMENT IN LIEU OF TAXES (PILOT) FEES**

FOR FISCAL YEARS ENDING MARCH 31, 2016 THROUGH MARCH 31, 2019, NOT TO EXCEED \$68,009.25.

(Mayor Robert K. Nelson)

Mayor Nelson informed Council that the Housing Authority had not paid their PILOT Fees in four years. He added that there was nothing that could be done about it.

Councilman Cornman asked whether there was an agreement, and Mrs. Jones stated that the City has an agreement with the Housing Authority. He also asked if the City sent them a notice, and Mrs. Jones stated no. Mayor Pro Tem Childers asked if the City had any recourse, and the Mayor stated no.

Councilman Cornman believed the City should waive the fees but going forward the Housing Authority needed to live up to the agreement. Councilwoman Estlinbaum asked if the money came from the rent they collected, and the Mayor stated yes. He added that the fees should be a part of their budget.

There was discussion between Mayor and Council on possibly waiting on HUD to complete their audit. Mrs. Burkhart pointed out that the request was made in perpetuity. City Attorney, Anne Marie Odefey, informed her that the City could not bind future Council.

Motion made by Councilman Marceaux, Seconded by Councilwoman Estlinbaum, to deny the request now and wait for the audit.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

Voting Nay: Councilman Cornman

6. DISCUSS, CONSIDER AND/OR APPROVE AMENDING THE RENTAL TERMS FOR THE HOUSE OF REFUGE.

(Mayor Robert K. Nelson)

Mayor Nelson explained that Frank Paiz’s church was currently absorbing the cost of the House of Refuge. The Mayor proceeded to read the House of Refuge’s successes. The Mayor suggested that they be charged \$1 like the City does others that use City buildings. Councilwoman Estlinbaum pointed out whatever they decided would not extend their agreement. The agreement is set to expire in 2021.

Mayor Pro Tem Childers wondered if this would delay the enviable, since the original intent was for two (2) years and they would then purchase a home or build.

There was discussion between Mayor and Council regarding different options.

The Mayor made a motion to reduce their rent to \$1 a year. The motion failed.

Motion made by Councilwoman Estlinbaum, Seconded by Mayor Pro Tem Childers, to reduce the rent to \$250 for the remainder of the contract effective May 1, 2020 through March 31, 2021.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

7. DISCUSS, CONSIDER AND/OR APPROVE THE UPDATED DISCLOSURE PROCEDURES.

(Scotty Jones, Finance Director)

Mrs. Jones informed Mayor and Council that she received assistance from Jonathan Frels. She added that this is something that she does every year.

Jonathan Frels spoke about disclosure procedures and the new changes.

Council pointed out two errors within the document, and Mrs. Jones stated that she would get them updated.

Motion made by Councilwoman Estlinbaum, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum.

8. CONSIDER THE ADOPTION OF ORDINANCE NO. 1646: AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY OF BAY CITY, TEXAS, TAX AND REVENUE CERTIFICATES OF OBLIGATION, SERIES 2020; LEVYING A TAX AND PROVIDING THE SECURITY AND PAYMENT THEREOF; AND ENACTING OTHER PROVISIONS RELATING THERETO.

(Scotty Jones, Finance Director)

Mrs. Jones provided Mayor and Council with an updated ordinance.

Mr. James Gilley reviewed the details of the bond sale document. They went out for a \$9,055,000 bond, and after adjustments that amount is \$8,965,000. He added that it would be a 30-day closing process. They should close on or before May 21st.

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Cornman. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

9. DISCUSS, CONSIDER AND/OR APPROVE THE QUARTERLY FINANCIALS AND INVESTMENT REPORT FOR THE PERIODS ENDING MARCH 31, 2020.

(Scotty Jones, Finance Director)

Mrs. Jones reviewed the second quarter financials.

Councilwoman Sitz requested that the City's Attorneys send a letter to Siemens regarding the issues with the meters.

Motion made by Councilman Cornman, Seconded by Councilwoman Estlinbaum. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

- 10. **DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ADOPTING A "BUDGET AMENDMENT #2 TO THE "ANNUAL BUDGET OF THE CITY OF BAY CITY, TEXAS, FOR THE FISCAL YEAR 2020"; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.**

(Scotty Jones, Finance Director)

Mrs. Jones reviewed the proposed department budget amendments.

Motion made by Councilman Cornman, Seconded by Councilman Marceaux.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

- 11. **DISCUSS, CONSIDER AND/OR APPROVE THE RESOLUTION OF DENIAL OF AEP'S APPLICATION FOR APPROVAL OF A DISTRIBUTION COST RECOVERY FACTOR.**

(Scotty Jones, Finance Director)

Motion made by Mayor Pro Tem Childers, Seconded by Councilman Marceaux.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

- 12. **DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR FUNDS THROUGH THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR A HOME PROGRAM CONTRACT AND/OR RESERVATION AGREEMENT, AND DIRECT STAFF AS NECESSARY.**

(Scotty Jones, Finance Director)

Mrs. Jones provided some back history on the HOME Program. She explained that there would be no City match requirements for this program. Mrs. Jones added that there have been five homes approved and six more in the pipeline.

Motion made by Councilwoman Estlinbaum, Seconded by Councilwoman Sitz.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

- 13. **DISCUSS, CONSIDER AND/OR APPROVE DISCOUNTING THE CITY'S WATER BILLS FOR FUTURE BILLING PERIOD(S) AS DETERMINED BY COUNCIL.**

(Councilman Bill Cornman)

Mrs. Jones provided Mayor and Council with updated numbers. Mayor Pro Tem Childers asked if there were any inquiries. Mrs. Jones stated some businesses and residents. Mrs. Jones stated that what she had seen were businesses that are not open asking to be shut off. The trash service is a high cost and they are not really there. Mayor and Council discussed different options. The recommendation of staff remained the same. Mrs. Burkhart stated that if Mayor and Council chose to do this, she suggested that it be on the consumption portion and not the fixed.

Council took no action.

Mayor Pro Tem Childers asked that the item be placed back on the second meeting in May.

14. DISCUSS, CONSIDER AND/OR RATIFY THE MAYOR'S DISASTER DECLARATION OF MARCH 16, 2020 AND ALL SUBSEQUENT DISASTER DECLARATIONS.

(Mayor Robert K. Nelson)

Motion made by Councilwoman Estlinbaum, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

15. DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING SECTION 6.11 THE CITY OF BAY CITY PERSONNEL GUIDELINES TO BE EFFECTIVE IMMEDIATELY.

(Shawna Burkhart, City Manager)

Mrs. Burkhart explained the proposed amendments to Section 6.11.

Councilman Cornman suggested that Mrs. Burkhart add words that would allow her to suspend the policy, and to better define what the employees would be paid hourly, when using the words, 'up to'.

Mrs. Burkhart stated she would bring the changes back to Council.

CLOSED / EXECUTIVE SESSION

16. 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, COMPENSATION, DISCIPLINE OR DISMISSAL OF AN OFFICER OR EMPLOYEE, OR TO HEAR A COMPLAINT OR CHARGE AGAINST AN OFFICER OR EMPLOYEE [MAYOR].

(Councilman Bill Cornman)

Mayor and Council adjourned from Open Session at 8:05 p.m.

Mayor and Council went into Executive Session at 8:09 p.m.

Mayor and Council adjourned from Executive Session at 8:30 p.m.

OPEN SESSION

Discuss, consider and/or take action on item(s) listed in Executive/Closed Session, (if any).

17. DISCUSS, CONSIDER AND/OR TAKE ACTION ON ITEM(S) LISTED IN EXECUTIVE/CLOSED SESSION, (IF ANY).

(Mayor Robert K. Nelson)

Mayor and Council reconvened into Open Session at 8:30 p.m.

Motion made by Mayor Pro Tem Childers, Seconded by Councilwoman Sitz, to compensate the Mayor over the next three pay periods for his efforts during COVID-19, that is in addition to his current rate.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Estlinbaum asked everyone to be safe.

Councilman Cornman commented that Shawna needed be taken around town. He pointed out that we would need critique after the current situation.

Mayor Nelson reminded the public of today's Facebook Live.

ADJOURNMENT

Mayor Nelson adjourned the meeting at 8:35 p.m.

Motion made by Councilman Marceaux, Seconded by Councilwoman Estlinbaum.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Councilwoman Estlinbaum

consideration the interest owned by Stanton Stone, Thad W. Davis, and P. H. Gault.

Admiral Title, L.L.C, require an affidavit of use and possession by Walter Harkless and Rosie Harkless that they have paid all taxes and maintained said property with no claims and/or assertion of title by anyone as to Lot Nine (9), Block 26, Original Townsite of Bay City, Matagorda County, Texas, as described in Warranty Deed dated May 11, 1966 and recorded May 12, 1966, in Volume 444, Page 103, Deed Records of Matagorda County, Texas,

The company reserves the right to make further requirements and/or exceptions.

7. Privileged Lien on Real Estate dated January 9, 2019, recorded January 28, 2019 in Instrument Number 2019-435, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite, Block 26, Lot 9 (0 Ave B 2500 Blk), in the amount of \$91.73, plus interest.
8. Privileged Lien on Real Estate dated October 8, 2018, recorded October 8, 2018 in Instrument Number 2018-6100, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite Block 26 Lot 9 (0 Ave B) (6/12/2018), in the amount of \$71.73, plus interest.
9. Privileged Lien on Real Estate dated June 4, 2018, recorded June 26, 2018 in Instrument Number 2018-3761, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite, Block 26, Lot 9 (0 Ave B - 2500 Blk), in the amount of \$131.73, plus interest.
10. Privileged Lien on Real Estate dated October 18, 2017, recorded October 18, 2017 in Instrument Number 2017-5749, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite, Block 26, Lot 9 (0 Ave B 2500 Blk), in the amount of \$76.73, plus interest.
11. Privileged Lien on Real Estate dated August 2, 2017, recorded August 2, 2017 in Instrument Number 2017-4280, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite, Block 26, Lot 9 Ave B (0 Ave B 2500 Blk), in the amount of \$81.73, plus interest.
12. Privileged Lien on Real Estate dated December 6, 2016, recorded December 6, 2016 in Instrument Number 2016-6674, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite, Block 26, Lot 9 (0 Ave B), in the amount of \$106.73, plus interest.
13. Privileged Lien on Real Estate dated October 17, 2016, recorded October 17, 2016 in Instrument Number 2016-5686, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite, Block 26, Lot 9 (0 Ave B) , in the amount of \$106.73, plus interest.
14. Privileged Lien on Real Estate dated January 12, 2016, recorded January 12, 2016 in Instrument Number 2016-167, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite, Block 26, Lot 9 Ave B (0 Ave B), in the amount of \$75.00, plus interest.
15. Privileged Lien on Real Estate dated December 8, 2015, recorded December 8, 2015 in Instrument Number 2015-6944, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite, Block 26, Lot 9 Ave B (0 Ave B), in the amount of \$100.00, plus interest.
16. Privileged Lien on Real Estate dated December 8, 2015, recorded December 8, 2015 in Instrument Number 2015-6943, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite, Block 26, Lot 9 Ave B (0 Ave B), in the amount of \$100.00, plus interest.

17. Privileged Lien on Real Estate dated November 7, 2014, recorded November 7, 2014 in Instrument Number 2014-6263, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite Block 26 Lot 9 (0 Ave B) 10/22/2014), in the amount of \$100.00, plus interest.
18. Privileged Lien on Real Estate dated September 5, 2012, recorded September 5, 2012 in Instrument Number 2012-124884, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Townsite, Block 26, Lot 9 (0 Ave B), in the amount of \$100.00, plus interest.
19. Privileged Lien on Real Estate dated May 6, 2004, recorded May 6, 2004 in Instrument Number 043192, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Town Lot 9, Blk 2 (2508 Ave. B), in the amount of \$1,474.88, plus interest.
20. Privileged Lien on Real Estate dated September 6, 2002, recorded September 6, 2002 in Instrument Number 026009, Official Records, Matagorda County, Texas, by the City of Bay City, Texas against Walter Harkless and the subject property described as Bay City Original Town, Lot 9, Blk 26 (2508 Ave. B), in the amount of \$107.16, plus interest.
21. We require evidence of the marital status of the record owner(s) and/or borrower(s), from the date of acquisition of the property to the date of the closing of this transaction. If title is held by a married person, we will require on any conveyance:
- a) the joinder of spouse, or
 - b) evidence that the herein described property is non-homestead property:
 - on improved property, we will require a Non-Homestead Affidavit signed by the spouse, or a statement in the Deed that the seller/borrower is "not joined by my spouse because the property herein is non-homestead, separate property",
 - on unimproved property, we will require a statement in the Deed that the seller/borrower is "not joined herein by my spouse because the property herein is non-homestead property".
22. Admiral Title, LLC, must be furnished with the closing instructions and documents from lender at least 24 hours prior to closing. The Company reserves the right to make additional exceptions and/or requirements upon receipt and review of said closing instructions.
23. Require an Affidavit and Indemnity as to Debts, Liens and Possession be executed by each of the title owner(s) of record at closing. If any additional items are listed that may attach to the subject property other than the aforementioned debts, liens and/or parties in possession, contact the Examination Department immediately for further instruction prior to proceeding with closing.
24. All parties signing for the transaction shall provide at closing acceptable, unexpired government issued identification.
25. If the transaction is being financed and said buyer is married, lender may require the non-borrowing spouse to sign documents at closing, including, but not limited to, the security agreement (Deed of Trust) pro forma, in order to perfect lien only.

NOTE FOR INFORMATIONAL PURPOSES- 24 Month Chain/ Vesting Information:

The Deed(s) below is/are where the vesting of the subject property was derived. If the vesting Deed(s) was/were within the last 24 months of this order, all vesting Deeds within the last 24 months are reflected below:

- Instrument: Volume 271, Page 617, Deed Records, Matagorda County, Texas
- Instrument: Volume 444, Page 103, Deed Records, Matagorda County, Texas
- Instrument: Volume 454, Page 20, Deed Records, Matagorda County, Texas
- Instrument: Volume 464, Page 25, Deed Records, Matagorda County, Texas

Countersigned
Admiral Title, LLC

By



~DISCUSS, CONSIDER, AND/OR APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF BAY CITY AND MATAGORDA COUNTY REGARDING THE BAY CITY PUBLIC LIBRARY.



EXECUTIVE SUMMARY

INTERLOCAL AGREEMENT FOR LIBRARY SERVICES

BACKGROUND:

The City assumes the Management & Operation of the Bay City Public Library and the Sargent Library. Both locations benefit the County residents. In return, the County provides funding each year. The agreement is effective January 1, 2020 through December 31, 2020.

FINANCIAL IMPLICATIONS: County contributes \$200,000.

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

RECOMMENDATION: Staff recommends City Council approve the Interlocal Agreement

ATTACHMENTS: Interlocal Agreement

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

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

WITNESSETH:

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

WHEREAS, County and City are separate governmental entities; and

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

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

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

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

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

ARTICLE 1. LEGAL AUTHORITY

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

ARTICLE 2. APPLICABLE LAW

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

ARTICLE 3. WHOLE AGREEMENT

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

ARTICLE 4. TERM OF AGREEMENT

This Agreement is effective for the term beginning January 1, 2020, through December 31, 2020. The term may be extended for an additional term or terms upon the Agreement of the parties which agreement shall be in writing signed by the parties on or before the last day of the term or any extensions thereof.

ARTICLE 5. SCOPE OF AGREEMENT

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

ARTICLE 6. PAYMENTS FROM CURRENT REVENUES

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

ARTICLE 7. CONTROL, DIRECTION AND MANAGEMENT

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

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

ARTICLE 8. GENERAL DUTIES OF COUNTY AND CITY

County shall provide funding in the amount of \$200,000.00 in 2020, subject to budget approval of the Matagorda County Commissioners Court. County’s involvement in the library is

limited to providing funding. County shall have no responsibility for performing any other duties or providing any other resources.

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

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

ARTICLE 9. DUTIES OF COUNTY AND CITY FOR SARGENT BRANCH

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

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

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

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

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

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

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

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

ARTICLE 10. CHANGES AND AMENDMENTS

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

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

ARTICLE 11. SEVERABILITY

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

ARTICLE 12. TITLES NOT RESTRICTIVE

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

ARTICLE 13. VENUE

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

ARTICLE 14. NOTICES

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

To Matagorda County:

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

To Bay City:

City of Bay City
Attn: Mayor
1901 5th Street
Bay City, Texas 77414

[SIGNATURE PAGE FOLLOWS]

4.

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

ATTEST:

MATAGORDA COUNTY

STEPHANIE WURTZ
COUNTY CLERK

By: NATE MCDONALD
COUNTY JUDGE

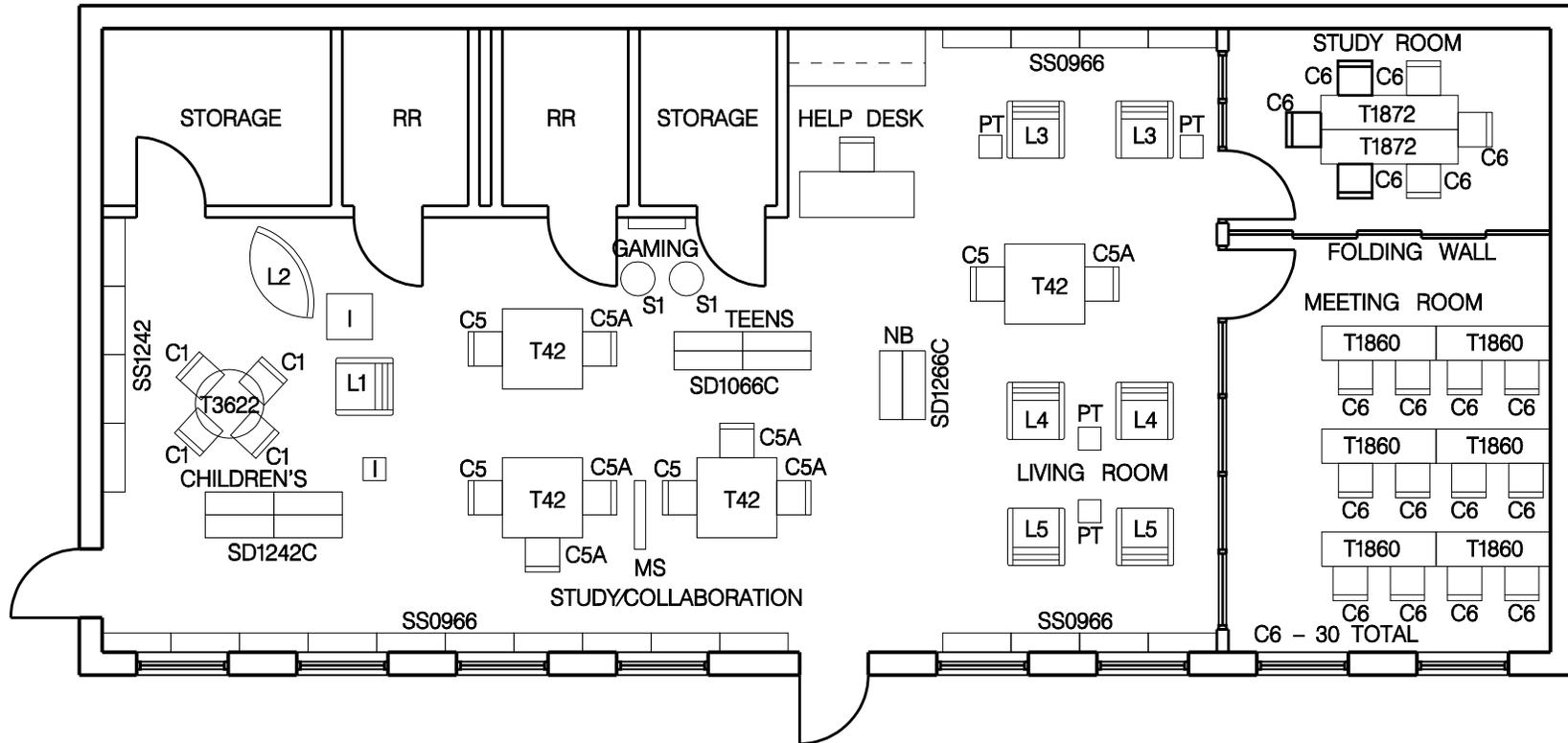
AGREED to and ADOPTED by governing body of the City of Bay City on the ____ day of _____, 20____.

ATTEST:

CITY OF BAY CITY

CITY SECRETARY

By: ROBERT NELSON
MAYOR



DENELLE C WRIGHTSON
LIBRARY PLANNING & DESIGN
7 9 2 0 D E E R T R A I L
D A L L A S T E X A S 7 5 2 3 8
9 7 2 . 8 9 8 . 1 2 7 7

SARGENT PUBLIC LIBRARY
TOKKER FURNITURE PLAN
1/8" = 1'-0"
05 10 2019



Bay City Public Library
 First Quarter Report
 April 2020

Statistics – See 2nd Quarter Statistics

Business Plan – See FY 2020 Update

Programs – See 2nd Quarter Pictures

Happenings:

- Sargent Branch continues to move forward, slowly but moving forward.
- Curbside pickup has been successful.
- “Library @ Home” bags were supposed to go out during National Library Week but were delayed.
- We are inviting Seniors and their families to send in their 2020 Senior’s photo to be added to our Senior Shout Out album on Facebook to help celebrate our local graduates.
- Working out details of reopening in phases. Top concerns are
 - Adequate supplies to keep areas sanitized.
 - The amount of space patrons can use in each phase and maintain sanitizing.
- Virtual programming/Digital Services are something staff are learning and implementing quickly. We’ve had online storytimes, will be releasing how-to videos for library services, and remote reference services.
- Our Annual Report was submitted to the Texas State Library and Archives Commission. The most surprising data was that we had just under 2,000 more people in attendance at programs than last year. Our circulation did go down overall but our visits were higher, which means more people are using the library as a destination than to check out materials.

Upcoming Programs

- June – July: Online Summer Program

FY 2020 Business Plan 2nd Quarter Update

Objectives

- Install Drive Up Book Return –
 - complete
- Review/Adjust service hours at both branches –
 - Complete – will begin implementing in summer/reopened to normal operations.
- Relocate Sargent library to an upgraded facility –
 - Had hoped for early March, but due to incomplete shelving orders and COVID-19, this has hit a snag. We're almost there.
- Develop a facility maintenance plan, replace unsafe outdoor carpets, upgrade security camera system, and ensure facility related codes and laws are reviewed and met.
 - – security camera update has been completed, I've begun creating a facility maintenance plan, however, some of the items in the plan are completed as circumstances called for.
- Develop a Technology Plan to provide and maintain adequate access to essential technology for personal, education and career success
- Update Library website page and add online payments
 - – In progress
- Create a marketing Plan to execute consistent, multifaceted marketing and promotion and to foster and maintain a positive image in the community.
- Develop, maintain, and grow partnerships with local businesses and organizations
 - – in progress and ongoing
- Create and enhance library collections based upon customer needs and information seeking behaviors
 - -ongoing
- Develop, maintain, and grow programs and services to meet the diverse needs of the community
 - – We were lucky to be able to have our Spring Break events before everything closed down. Continue to offer various programs for all. This year we added the Trunk or Treat in partnership with Mommy and Me Playdates. We had approximately 275 in attendance. Complete and ongoing.
- Expand library services by taking the library to the residents through outreach opportunities, such as Pop Up Libraries
 - – Outreach was slower this time of year, mostly due to scheduling with the daycares.
- Increase and enhance availability and use of digital resources by adding Linked In Learning to highlight the library as a resource for community and economic development.

- This project was put on hold by the vendor due to pushback from the American Library Association and their concerns for the privacy of patron information. LinkedIn has completely revamped the platform for libraries that will roll out in 2021, however, we are planning to move forward with their current platform Lynda.com.
- Provide consistent and quality services to the community through professional development, attaining Enhanced Levels of Service in multiple standards, and earn “Achievement in Excellence in Libraries” Award from TMLDA.
 - – TMLDA award received January 22, 2020. The Texas Library Association Annual Conference was cancelled due to COVID-19, so staff will not be attending that this year. However, there are other trainings/conferences that staff will be attending.

5.



**Magic Show
w/ John
O'Bryant**

**Rockin'
Wildlife
For Spring
Break**



5.



**Sgt. Sullivan
leading Fit
for Duty for
Spring Break**

**Rodeo
Storytime
with Rodeo
Queen Katie
Simons
(and former
storytime
attendee)**





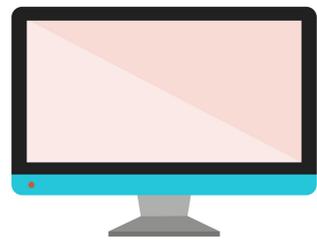
Bay City Public Library

Second Quarter Statistics

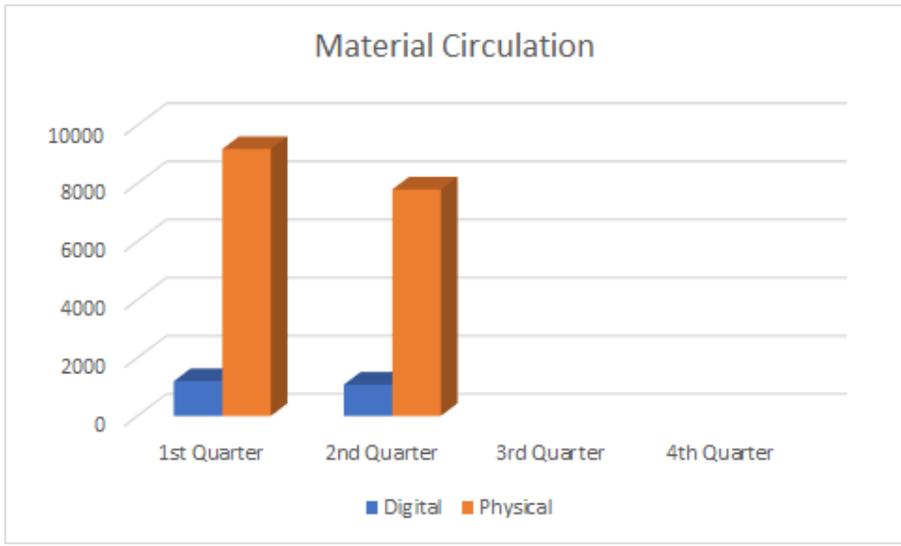
April 2020



14 Programs
693 Attendees



1042 Computer Uses
775 Minutes of Use



RESOLUTION NO. _____

WHEREAS, the City of Bay City intends to make certain improvements to the Bay City Regional Airport; and

WHEREAS, the general description of the project is described as taxiway reconstruction/realignment and drainage; and

WHEREAS, the City of Bay City intends to request financial assistance from the Texas Department of Transportation for these improvements; and

WHEREAS, total project cost are estimated to be \$350,000, and the City of Bay City and will be responsible for 10% of the total project costs currently estimated to be \$35,000; and

WHEREAS, the City of Bay City names the Texas Department of Transportation as its agent for the purposes of applying for, receiving and disbursing all funds for these improvements and for the administration of contracts necessary for the implementation of these improvements;

NOW, THEREFORE, BE IT RESOLVED, that the City of Bay City hereby directs Mayor Robert K. Nelson to execute on behalf of the City of Bay City, at the appropriate time, and with the appropriate authorizations of this governing body, all contracts and agreements with the State of Texas, represented by the Texas Department of Transportation, and such other parties as shall be necessary and appropriate for the implementation of the improvements to the Bay City Regional Airport.

PASSED AND APPROVED this _____ day of _____, 2020.

Robert K. Nelson, Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

AVIATION CAPITAL IMPROVEMENT PROGRAM

Texas Department of Transportation -- Aviation Division

Locations, Projects, and Costs

May 07, 2020

FEDERAL & STATE FY 2020

Federal FY 2020 (October 2019 - September 2020)/State FY 2020 (September 2019 - August 2020)

City & Airport	Project Status & Description	Project Costs			
		Total	Federal	State	Local
BAY CITY	<u>Project Status:</u>				
<u>BAY CITY RGNL</u>	PENDING				
	Design/Engineering taxiway reconstruction/realignment and drainage plan (20 NPE)	350,000	315,000	0	35,000
Project Totals:		\$ 350,000	\$ 315,000	\$ 0	\$ 35,000

AVIATION CAPITAL IMPROVEMENT PROGRAM

Texas Department of Transportation -- Aviation Division

Locations, Projects, and Costs

May 07, 2020

FEDERAL & STATE FY 2021

Federal FY 2021 (October 2020 - September 2021)/State FY 2021 (September 2020 - August 2021)

City & Airport	Project Status & Description	Project Costs			
		Total	Federal	State	Local
BAY CITY	<u>Project Status:</u>				
<u>BAY CITY RGNL</u>	<i>PENDING</i>				
	Taxiway reconstruction Phase I-RPR, Contingency, Admin	543,000	488,700	0	54,300
	Reconstruction/realignment taxiways-Phase I	3,130,000	2,817,000	0	313,000
	Project Totals:	\$ 3,673,000	\$ 3,305,700	\$ 0	\$ 367,300

AVIATION CAPITAL IMPROVEMENT PROGRAM

Texas Department of Transportation -- Aviation Division

Locations, Projects, and Costs

May 07, 2020

FEDERAL & STATE FY 2023

Federal FY 2023 (October 2022 - September 2023)/State FY 2023 (September 2022 - August 2023)

City & Airport	Project Status & Description	Project Costs			
		Total	Federal	State	Local
BAY CITY	<u>Project Status:</u>				
<u>BAY CITY RGNL</u>	<i>PENDING</i>				
	Reconstruction/realignment Taxiway Phase II	3,000,000	2,700,000	0	300,000
	RPR, Admin, Contingency	525,000	472,500	0	52,500
Project Totals:		\$ 3,525,000	\$ 3,172,500	\$ 0	\$ 352,500

8.



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:** 05/04/2020
Last, First *MM/DD/YYYY*

Requestor Type : City Staff **Meeting Date:** 05/12/2020
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 MISCELLANEOUS CONCRETE REPAIRS TO THE LOWEST RESPONSIBLE BIDDER AND AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND THE LOWEST RESPONSIBLE BIDDER.

Executive Summary of Item:

This contract is needed to temporarily fill a void created by the retirement of an employee that spent 31 years with the City. Carmen Valdez, our concrete expert, retired on April 30, 2019. We have job openings posted for both a concrete finisher and a concrete helper but have not filled the positions.

This contract will allow public works to catch up on existing concrete projects, specifically curb replacements, and keep up with concrete pavement repairs due to utility work.

Since the contract amounts exceeds \$50,000, staff has complied with the statutory procedures for competitive sealed bidding and is seeking council's approval to award the bid. Attached is the bid tabulation.

BID TABULATION FORM

BID DESCRIPTION: Miscellaneous Concrete Repairs 2020

DATE: 4/30/2020

DEPARTMENT: Public Works

TIME: 10:00 A.M.

NAME OF BIDDER	ADDRESS / E-MAIL	PHONE NUMBER	TOTAL BID
A Team Landscaping Taylor Ashcraft	theteamlandscaping@yahoo.com	(979) 216-8258	\$ 169,621.00
Matagorda Construction & Mat. Glenn Chambless	glenn_chambless@yahoo.com	(979) 323-9911	\$ 174,540.50
Zachery Phillips, Inc. Zachary Phillips	captzachphillips@gmail.com	(979) 216-6181	\$ 104,350.00
Hlavinka Construction Co. Joey Teague	joey.teague@hlavinka.com	(979) 253-1049	\$ 49,590.00

LOW BIDDER: _____

AWARDED TO: _____

RECOMMENDATIONS/COMMENTS: _____

SIGNED: _____

DATE: _____

9.



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: Rodriguez, Louis **Date Submitted:** 05/04/2020
Last, First *MM/DD/YYYY*

Requestor Type : City Staff **Meeting Date:** 05/12/2020
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Assistant 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 APPROVE AWARDING THE CONSTRUCTION BID FOR THE KATY WATER PLANT IMPROVEMENTS PROJECT TO C.F. MCDONALD ELECTRIC, INC. IN THE AMOUNT OF \$584,469.00 AND AUTHORIZE THE MAYOR/CITY MANAGER TO EXECUTE A CONTRACT APPROVED TO FORM BY THE CITY ATTORNEY BETWEEN THE CITY OF BAY CITY AND C.F. MCDONALD ELECTRIC, INC.

Executive Summary of Item:

In June 2016, the City of Bay City Public Works Department and Jones | Carter Engineering completed the Water System Analysis & Master Plan. The plan identified infrastructure capital improvement projects that should be completed to improve the City's utility water system including new capital projects and operations & maintenance projects. The Katy Water Plant No.3 Improvements Project was identified as the number a priority in this plan and consists of mechanical, electrical, and controls upgrades to ensure proper operation of the water plant. Improvements associated with this project consists of replacement and rehabilitation of the electrical power and control systems for Water Plant No. 3 and the installation of a natural gas backup generator, a Motor Control Center, Automatic Transfer Switch, and SCADA Programming. These improvements will aid in continued water pressure production and maintenance for the City's water system.

It is the recommendation of the Director of Public Works that City Council award this bid.

Budget: \$698,000 CIP Budget (reserves)
Engineer Estimate: \$557,000
Engineering Services: \$92,705
Lowest Bid Amount: \$584,469

City of Bay City
Katy Water Plant Electrical Improvements Project
BID TABULATION
BID OPENING: 04-30-20; 3:00 PM

# OF BIDS: 1 # OF ITEMS: 4				C.F. McDonald Electric, Inc. 5044 Timber Creek Houston, TX 77017		ENGINEER'S ESTIMATE	
ITEM	DESCRIPTION	UNIT	TOTAL QUAN.	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
Base Bid							
1	All Work as defined in the Contract Documents, complete in place, except those items listed separately below.	LS	1	\$ 300,469.00	\$ 300,469.00	\$ 284,000.00	\$ 284,000.00
2	Cash Allowance for programming of the Katy Water Plant site to be completed by Garver.	LS	1	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00	\$ 25,000.00
3	Cash Allowance for the installation of new utility services to the project site from AEP and Bay City Gas Company, complete in place. Payment to the contractor will be based on the actual invoice from the utilities for installing utility services as approved by the Engineer.	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00
BASE BID PRICE:					\$ 340,469.00		\$ 324,000.00
Bid Alternate							
1	Deduct Manual Transfer Switch (MTS) and furnish and install 250kW, Natural Gas Driven Generator with Sound-Attenuating Enclosure, Generator concrete pad, ATS, conduit, conductors, gas line, gas meter and all associated hardware, complete in place.	LS	1	\$ 244,000.00	\$ 244,000.00	\$233,000.00	\$ 233,000.00
TOTAL BID PRICE:					\$ 584,469.00		\$ 557,000.00



12141 Wickchester Lane
Suite 200
Houston, TX 77079
TEL 713.491.8333
FAX 713.395.5486
www.GarverUSA.com

May 1, 2020

Barry Calhoun, Director of Public Works
City of Bay City
1901 5th Street
Bay City, Texas 77414

Re: City of Bay City
Katy Water Plant Electrical Improvements Project
Recommendation of Award

Dear Mr. Calhoun:

The bid opening for the Bay City Katy Water Plant Electrical Improvements Project was held at the City Hall Council Chambers, located at 1901 5th Street, Bay City, Texas, at 3:00 PM on April 30, 2020. A bid was submitted by C.F. McDonald Electric, Inc. and was checked for accuracy and compliance with the contract documents. A bid tabulation is enclosed with this letter as Attachment A.

C.F. McDonald Electric, Inc. submitted a base bid price of \$340,469.00 and a bid alternate price of \$244,000.00. The total bid price is \$584,469.00.

C.F. McDonald Electric Inc. is compliant with all contract documentation. Garver recommends the construction contract for the Bay City Katy Water Plant Electrical Improvements Project be awarded to C.F. McDonald Electric, Inc. for the total bid price of \$584,469.00, inclusive of the additive bid alternate.

Please call me if you have any questions.

Sincerely,

GARVER, LLC

Daniel Olson, P.E.
Project Manager

Attachments: A – Bid Tabulation
B – C.F. McDonald Bid