



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, August 25, 2020 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

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

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

INVOCATION & PLEDGE

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

Mayor Pro Tem Jason Childers

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.

Mayor Pro Tem Jason Childers

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.

PUBLIC HEARING(S)

- 1. Public Hearing ~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CITY OF BAY CITY PROPOSED BUDGET FOR FISCAL YEAR 2021.**
Scotty Jones, Finance Director
- 2. Public Hearing ~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION PROPOSED BUDGET FOR FISCAL YEAR 2020.**
Scotty Jones, Finance Director
- 3. Public Hearing ~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE PROPOSED PROPERTY (AD VALOREM) TAX RATE FOR FISCAL YEAR 2021.**
Scotty Jones, Finance Director
- 4. Public Hearing ~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CITY OF BAY CITY PROPOSED CAPITAL IMPROVEMENT PROGRAM.**
Scotty Jones, Finance Director

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

- 5. MEETING MINUTES OF BUDGET WORKSHOP ON JULY 28, 2020**
- 6. MINUTES OF REGULAR COUNCIL MEETING ON JULY 28, 2020**
- 7. MINUTES OF RATE WORKSHOP ON AUGUST 4, 2020**
- 8. MINUTES OF SPECIAL CALLED MEETING ON AUGUST 4, 2020**
- 9. MINUTES OF BUDGET WORKSHOP ON AUGUST 6, 2020**
- 10. MINUTES OF BUDGET WORKSHOP ON AUGUST 11, 2020**
- 11. MINUTES OF REGULAR COUNCIL MEETING ON AUGUST 11, 2020**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 12. UPDATE ON NILE VALLEY ROAD PROJECT.**
Matt Breazeale, PE
- 13. REVIEW AND DISCUSS HOUSEHOLD HAZARDOUS WASTE CONTRACT AGREEMENT AND GIVE STAFF DIRECTION.**
Robert K. Nelson, Mayor
- 14. DISCUSS, CONSIDER AND/OR APPROVE AN ORDINANCE AMENDING THE CITY CODE OF ORDINANCES CHAPTER 26; ARTICLE II ("MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS") PROVIDING NUMBER OF PERMITS**

ON STATE HIGHWAYS; PROVIDING A PERMIT RENEWAL PERIOD; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Jeanna Thompson, City Secretary

- 15. DISCUSS AND/OR APPROVE HIRING RESOLUTION FOR AN ADMINISTRATION/PROJECT DELIVERY SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT IMPLEMENTATION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) FUNDING THROUGH THE TEXAS GENERAL LAND OFFICE (GLO).**

Alyssa Dibbern, Engineering Tech

- 16. A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING THE SELECTION OF A PROFESSIONAL SERVICE PROVIDER FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT -MITIGATION (CDBG-MIT) PROGRAM FUNDED THROUGH THE TEXAS GENERAL LAND OFFICE (GLO).**

Alyssa Dibbern, Engineering Tech

- 17. A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACTS FOR THE 2020 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TxCDBG) TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION/MAIN STREET PROGRAM PROJECT.**

Alyssa Dibbern, Engineering Tech

- 18. DISCUSS, CONSIDER AND/OR APPROVE RENAMING OF CITY STREET TO "TOM UHER MEMORIAL HIGHWAY".**

Shawna Burkhart, City Manager

- 19. REPORT ON THE STATUS OF THE PROJECT TO RE-ENFORCE THE COLUMN SUPPORTS FOR THE EQUIPMENT/CHEMICAL ROOM OF THE 16TH STREET SWIMMING POOL.**

Shawna Burkhart, City Manager

- 20. DISCUSS, CONSIDER AND/OR APPROVE THE INTERLOCAL AGREEMENT WITH MATAGORDA COUNTY FOR FOOD ESTABLISHMENT INSPECTIONS.**

Shawna Burkhart, City Manager

- 21. DISCUSS, CONSIDER AND/OR APPROVE THE DISASTER PREPARATION AGREEMENT WITH MATAGORDA COUNTY.**

Shawna Burkhart, City Manager

CLOSED / EXECUTIVE SESSION

- 22. 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.**

OPEN SESSION

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

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, August 21, 2020 before**

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

PUBLIC HEARING~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CITY OF BAY CITY'S PROPOSED BUDGET FOR FISCAL YEAR 2021.



EXECUTIVE SUMMARY

PUBLIC HEARING DATES:

TUESDAY, AUGUST 25, 2020 AT 6 PM

TUESDAY, SEPTEMBER 1, 2020 AT 6 PM

BUDGET HEARING WILL BE ON THE FOLLOWING:

FY 2021 Proposed Budget- City of Bay City (Charter section 10.05)

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

City Secretary's Office

Bay City Public Library

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

PUBLIC HEARING~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S PROPOSED OPERATING BUDGET FOR FISCAL YEAR 2021.



EXECUTIVE SUMMARY

PUBLIC HEARING DATES:

TUESDAY, AUGUST 25, 2020 AT 6 PM

TUESDAY, SEPTEMBER 1, 2020 AT 6 PM

BUDGET HEARING WILL BE ON THE FOLLOWING:

FY 2021 Proposed Budget- Bay City Community Development Corporation

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

City Secretary's Office

Bay City Public Library

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

PUBLIC HEARING~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CITY OF BAY CITY'S PROPOSED PROPERTY (AD VALOREM) TAX RATE FOR FISCAL YEAR 2021.



EXECUTIVE SUMMARY

PUBLIC HEARING DATES:

TUESDAY, AUGUST 25, 2020 AT 6 PM

TUESDAY, SEPTEMBER 1, 2020 AT 6 PM

Tax Rate Information	Adopted FY 2020	Proposed FY 2021
Property Tax Rate	.65500	.65500
No-New Revenue Tax Rate	.65110	.63808
No-New Revenue M&O Tax Rate	.50663	.65799
Debt Rate	.15324	.17288
Voter-Approval Tax Rate	.71404	.67709
De Minimis Rate	N/A	.88765

Debt service requirements for the City of Bay City are currently \$.17288 of the current **proposed** property tax rate of **\$.65500**. The City has seven outstanding debt issues. At the end of Fiscal Year 2021, outstanding general obligation bond and certificates of obligation bonds will be \$23,515,000 however only \$11,482,233 is currently supported by property taxes.

FY 2021 Debt Service Requirement to be paid by property taxes \$1,538,147. See Debt rate (.17288) requirement above.

PUBLIC HEARING~ CONDUCT A PUBLIC HEARING TO RECEIVE PUBLIC COMMENT ON THE CITY OF BAY CITY'S PROPOSED CAPITAL IMPROVEMENT PROGRAM.



EXECUTIVE SUMMARY

PUBLIC HEARING DATES:

TUESDAY, AUGUST 25, 2020 AT 6 PM

TUESDAY, SEPTEMBER 1, 2020 AT 6 PM

BUDGET HEARING WILL BE ON THE FOLLOWING:

Five-Year Capital Improvement Program FY 2021-2025 (Charter section 10.16)

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

City Secretary's Office

Bay City Public Library

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

CITY OF BAY CITY

MINUTES • JULY 28, 2020

**COUNCIL
CHAMBERS | 1901
5th Street**

Budget Workshop

4:00 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 Slitz

Councilwoman

Julie Estlinbaum

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

CALL TO ORDER

Meeting was called to order at 4:05 pm

CERTIFICATION OF QUORUM**PRESENT**

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

ABSENT

Councilman Brent P. Marceaux

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL

1. BUDGET ~ RECEIVE AND DISCUSS BAY CITY COMMUNITY DEVELOPMENT BUDGET PROPOSAL FOR THE 2021 FISCAL YEAR.

Jessica Russell, CDC Executive Director

Jessica Russell, CDC Executive Director, reviewed the proposed CDC budget that has been approved by the Bay City Community Development Board. Councilman Cornman recommended that they show beginning cash reserve and ending cash reserve in their reports. Ms. Russell agreed to add.

2. BUDGET ~ DISCUSS THE FISCAL YEAR 2021 FIVE-YEAR CAPITAL IMPROVEMENT PLAN

Scotty Jones, Finance Director

Scotty Jones, Finance Director, provided a presentation to discuss the 5 year capital. Windstorm Insurance, Health Insurance and Workers Comp Insurance is increasing and having to make cuts in other spending. CDC will provide \$100,000 for Airport capital improvement. Councilman Cornman stated his grievance and recommendation regarding the past contract with water meters.

ADJOURNMENT

Minutes

Budget Workshop

July 28, 2020

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

Meeting adjourned at 6:03 pm

PASSED AND APPROVED, this ____ day of JULY 14, 2020.

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • JULY 28, 2020

**COUNCIL
CHAMBERS | 1901
5th Street**

Regular Council 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 Slitz

Councilwoman

Julie Estlinbaum

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

CALL TO ORDER

Meeting called to order at 6:15 pm

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**PRESENT**

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

ABSENT

Councilman Brent P. Marceaux

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

Motion made by Mayor Pro Tem Childers to approve the agenda, Seconded by Councilman Cornman.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

PUBLIC COMMENTS

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

Ryan Leissner, a business owner, addressed his concerns with changes with TxDOT and moving lane over.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. **Regular Council Meeting Minutes of June 23, 2020**
2. **Budget Workshop Minutes of July 14, 2020**
3. **Regular Council Meeting Minutes of July 14, 2020**
4. **ACCOUNTS PAYABLE, DIRECT PAYABLE AND UTILITY REFUNDS FOR APRIL, MAY AND JUNE 2020**

Motion made by Councilwoman Estlinbaum to approve the Consent Agenda Items, Seconded by Mayor Pro Tem Childers.

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

Motion carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

5. **DISCUSS, CONSIDER, AND/OR APPROVE THE CITY'S QUARTERLY FINANCIAL AND INVESTMENT REPORT FOR THE QUARTER ENDING JUNE 30, 2020.**

Scotty Jones, Finance Director, reviewed the 3rd qtr financials and the impacts of revenue from Covid-19. Childers asked about web based hotel/motel tax payments, Ms. Jones replied projected for next year. Ms Jones stated that our investments is down 30,758 from this time last year.

Motion made by Councilman Cornman to approve the 3rd Quarter Financials, Seconded by Mayor Pro Tem Childers.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

6. **DISCUSS AND TAKE ACTION TO REJECT BIDS RECEIVED DESIGNATING A PROFESSIONAL ENGINEERING FIRM FOR THE 2020 TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION/MAIN STREET PROGRAM OF THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG) PROGRAM FOR APPLICATION AND PROJECT IMPLEMENTATION.**

Barry Calhoun, Public Works Director, reviewed the council decision last meeting, only one bid and not accepted. Requires a formal rejection of bid.

Motion made by Mayor Pro Tem Childers to reject bids received, Seconded by Councilwoman Estlinbaum.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,

Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

7. DISCUSS, CONSIDER, AND/OR APPROVE TXDOT PLAN FOR DOWNTOWN TURN LANES ON HIGHWAY 35 AND 60 AND SIGNAL LIGHT IMPROVEMENTS.

Shawna Burkhart, City Manager, stated that they need approval letter of concurrence of TxDOT requirements. Mitch Thames addressed council. Traffic isn't getting lighter. Every signal on fiber optics synchronized that computers know how to get the flow working for safety and economically. The vision is what it looks like in 5 years, as to if it is feasible. this letter will institute where they will authorize to send a consultant. Need 62 feet for 4 lanes with turn lane. He thinks there are solutions. Turn signal/lane is important to flow. Shawna Burkhart added they spoke with businesses on the square. Councilwoman Estlinbaum would like Ryan Simper with TxDOT to come and meet with council so council can ask questions.

Motion made by Councilwoman Estlinbaum to table until after Council has met with Ryan Simper, Seconded by Councilman Cornman.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

8. CONSIDER, DISCUSS AND APPROVE CIVIC CENTER SIDEWALK MATERIAL/LAYOUT PLAN.

Mitch Thames, Chamber of Commerce President, presented current photos of exterior of Civic Center. Any changes to appearance must be approved by Council, since they are wanting to continue with brick pattern thru the sidewalks. Changing from peat gravel to stamped concrete. Sitz wants the planters removed, can we add? Mr Thames to come back on estimate on removal of planters.

Motion made by Councilman Cornman to approve the sidewalk material/layout plan, Seconded by Mayor Pro Tem Childers.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

9. DISCUSS, CONSIDER, AND/OR APPROVE EXTENDING THE CITY CHARTER (ARTICLE III, SECTION 3.01) PRESCRIBED TIME OF ONE (1) YEAR FOR THE NEW CITY MANAGER TO RESIDE IN THE CITY OR WITHIN THE EXTRATERRITORIAL JURISDICTION.

Motion made by Councilman Cornman to postpone decision, Seconded by Councilwoman Estlinbaum.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilwoman Sitz, Councilwoman Estlinbaum. Motion tabled.

10. DISCUSS, CONSIDER AND/OR APPROVE THE CITY MANAGER EVALUATION FORM AND PROCESS.

Motion made by Councilman Cornman to approve as presented, Seconded by Councilwoman Sitz.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilwoman Sitz, Councilwoman Estlinbaum. Motion carried.

11. DISCUSS CLEANUP CAMPAIGN AND/OR APPROPRIATE FUNDING IN THE FISCAL 2020-2021 BUDGET.

Councilwoman Sitz reviewed cleanup list, within scope to campaign cleanup to make our city beautiful. Shawna Burkhardt said there was a small amount of money set aside \$5000 for cleanup, slogan, billboard, etc. on ideas to promote. Scotty Jones, Finance Director, added that utility billing can do advertising too. Council agreed to leave as is at \$5000 and no action is needed.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Sitz recognized comments made by Ryan Leissner.

ADJOURNMENT

Motion made by Councilwoman Estlinbaum to adjourn, second by Councilwoman Sitz.
Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilwoman Sitz, Councilwoman Estlinbaum. Council adjourned at 7:39 pm.

PASSED AND APPROVED, this ____ day of _____, 2020.

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • AUGUST 04, 2020

**COUNCIL
CHAMBERS | 1901
5th Street**

Rate Workshop

4:00 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 Slitz

Councilwoman

Julie Estlinbaum

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

CALL TO ORDER

Meeting called to order at 4:01 pm

CERTIFICATION OF QUORUM**PRESENT**

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

ABSENT

Councilwoman Becca Sitz

PUBLIC COMMENTS

None

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL

1. DISCUSS, CONSIDER, AND/OR APPROVE PROJECTS INCLUDED IN THE TEXAS WATER DEVELOPMENT BOARD WATER AND WASTEWATER LOAN APPLICATIONS.

Dan Olson with Garver gave a presentation to Council regarding evaluation of existing conditions and identify improvements regarding the City's Water and Wasterwater System.

Motion made by Mayor Pro Tem Childers to approve the loan applicaitons, Seconded by Councilman Cornman.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Estlinbaum. Motion carried.

2. DISCUSS, CONSIDER, AND/OR APPROVE UTILITY RATE STUDY AND ASSOCIATED WATER AND WASTEWATER RATE INCREASES.

Presentation of rates proposed. First year at rate increase, then back to 3% usual rate increase years after. A comparison to area cities was provided.

Motion made by Mayor Pro Tem Childers to approve the rate study and associated water and wastewater rate increases, Seconded by Councilman Cornman.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman,

Councilman Marceaux, Councilwoman Estlinbaum. Motion carried.

ADJOURNMENT

Motion made by Councilman Marceaux to adjourn, Seconded by Councilman Cornman.

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

Meeting adjourned at 5:33 pm.

PASSED AND APPROVED, this ____ day of _____, 2020.

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • AUGUST 04, 2020

**COUNCIL
CHAMBERS | 1901
5th Street**

Special Called Meeting CDBG

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 Slitz

Councilwoman

Julie Estlinbaum

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

CALL TO ORDER

Meeting was called to order at 6:00 pm

CERTIFICATION OF QUORUM**PRESENT**

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

ABSENT

Councilwoman Julie Estlinbaum

APPROVAL OF AGENDA

Motion made by Mayor Pro Tem Childers to approve the agenda, Seconded by Councilman Marceaux.

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

Motion carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 1. DISCUSS, CONSIDER, AND/OR APPROVE DESIGNATING A PROFESSIONAL ENGINEERING FIRM FOR THE 2020 TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION/MAIN STREET PROGRAM OF THE TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TXCDBG) PROGRAM FOR APPLICATION AND PROJECT IMPLEMENTATION.**

Alyssa Dibbern, Engineering Tech, stated that there were five responses and Civil Corp scored highest.

Motion made by Councilman Cornman to approve designation Civil Corp, Seconded by Mayor Pro Tem Childers.

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

Motion Carried.

2. DISCUSS, CONSIDER, AND/OR SELECT ADMINSTRATIVE/PROJECT DELIVERY SERVICE PROVIDER TO COMPLETE APPLICATION AND PROJECT IMPLEMENTATION FOR THE CDBG - MITIGATION (MIT) FUNDING THROUGH THE GENERAL LAND OFFICE.

Presented by Alyssa Dibbern, Engineering Tech

Motion made by Mayor Pro Tem Childers to approve GrantWorks, Seconded by Councilman Cornman.

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

Motion carried.

3. DISCUSS, CONSIDER, AND SELECT AN ENGINEERING FIRM TO COMPLETE APPLICATION AND PROJECT IMPLEMENTATION FOR CDBG-MITIGATION (MIT) FUNDING THROUGH THE GENERAL LAND OFFICE.

Presented by Alyssa Dibbern, Engineering Tech, stated thate Urban Engineering had high score, Lynn & Associates was second highest. There were discussions regarding supporting local businesses (Lynn). A letter will be needed stating why Urban Engineering was not selected.

Motion made by Councilman Cornman to submit letter declining Urban Engineering and select Lynn and Associates as the engineering firm, Seconded by Councilwoman Sitz.

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

Motion carried.

4. DISCUSS, CONSIDER, AND/OR APPROVE ENGINEERING AND ARCHITECTURAL SERVICES FOR THE CITY OF BAY CITY FOR THE FISCAL YEAR 2020-2021.

Presented by Barry Calhoun, Public Works Director

Motion made by Mayor Pro Tem Childers to approve the listing of engineering and architectural services, Seconded by Councilman Cornman.

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

Motion carried.

5. CONSIDER, DISCUSS AND/OR APPROVE THE CITY OF BAY CITY CITIZENS PARTICIPATION PLAN FOR THE TEXAS DEPARTMENT OF AGRICULTURE (TDA) COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Presented by Alyssa Dibbern, Engineering Tech

Motion made by Councilman Cornman to approve the Bay City Citizens Participation Plan, Seconded by Councilwoman Sitz.

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

Motion carried.

ADJOURNMENT

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.

Meeting adjourned at 6:20 pm

PASSED AND APPROVED, this ____ day of _____, 2020.

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • AUGUST 06, 2020

**COUNCIL
CHAMBERS | 1901
5th Street**

Budget Workshop

2:00 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 Slitz

Councilwoman

Julie Estlinbaum

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

CALL TO ORDER

Meeting called to order at 2:03pm by Mayor Robert K. Nelson.

CERTIFICATION OF QUORUM

PRESENT

Mayor Robert K. Nelson
Mayor Pro Tem Jason W. Childers
Councilman Brent P. Marceaux
Councilwoman Becca Sitz (arrived at 2:45 pm)
Councilman William Cornman (joined meeting by phone at 2:45pm)
Councilwoman Julie Estlinbaum

PUBLIC COMMENTS

None

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL

1. DISCUSS, CONSIDER, AND/OR AMEND THE PROPOSED BUDGET OF THE CITY OF BAY CITY FOR THE 2021 FISCAL YEAR.

Scotty Jones, Finance Director presented the Proposed Budget and a presentation that was reviewed with Division heads input.

Councilman Cornman joined by phone at 2:45 and Councilwoman Sitz arrived at 2:46, creating a quorum.

Council to a break at 3:50 pm and Councilman Cornman left the meeting.

Council reconvened at 4:08

Council asked Ms. Jones: August 11th to propose tax rate to set PH, are you feeling like you are comfortable or need another workshop? Councilman Childers does not want to cut PD staff, though wants the Fire Marshal position, asked to look else where to cover position.

2. DISCUSS, CONSIDER AND/OR APPROVE THE BUDGETARY AND FINANCIAL POLICY

Scotty Jones reviewed changes from mayor to CM, page 2 added Public Hearings August/September (highlighted). In the Financial Management Policy page 4, highlighted fund balance to draw attention. minimum assigned fund balance, our policy

Minutes

Budget Workshop

August 06, 2020

for Council, goal of 120 days of the operating expenditure but policy of 90 days - we are a 90 or above at end of year. Striving to do this committed fund balance. Will put on regular agenda August 11th.

ADJOURNMENT

Motion made by Councilwoman Sitz to adjourn, Seconded by Mayor Pro Tem Childers.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Marceaux. Motion carried and meeting adjourned at 4:39 pm

PASSED AND APPROVED, this ____ day of _____, 2020.

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • AUGUST 11, 2020

**COUNCIL
CHAMBERS | 1901
5th Street**

Budget Workshop

4:30 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 Slitz

Councilwoman

Julie Estlinbaum

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

CALL TO ORDER

Meeting was called to order at 4:34 pm by Mayor Robert K. Nelson

CERTIFICATION OF QUORUM

PRESENT

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

PUBLIC COMMENTS

None

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL

1. DISCUSS, CONSIDER, AND/OR APPROVE THE 2020-2021 CITY OF BAY CITY EMPLOYEE BENEFITS PLAN.

Rhonda Clegg, Director of Human Resources

Presented by Rhonda Clegg, HR Director. Only 2 responded to RFP. Blue Cross Blue Shield did come down to 7.2% increase. BCBS will remain as health and dental provider. Vision provider will stay the same. Councilwoman Sitz asked why premiums went so high, answer was due to claims.

Motion made by Councilman Cornman to approve the Bay City Employee Benefits Plan, Seconded by Mayor Pro Tem Childers.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz. Motion carried.

2. DISCUSS, CONSIDER AND/OR APPROVE AMENDING THE CONTRACT BETWEEN THE CITY OF BAY CITY AND HUB INTERNATIONAL, FORMERLY IPS ADVISORS, LLC.

Rhonda Clegg, Director of Human Resources

Rhonda Clegg, Director of Human Resources, stated that these are consulting fees to work on the City's behalf.

Motion made by Mayor Pro Tem Childers to approve the contract with HUB International, Seconded by Councilman Cornman.
 Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz, Motion carried.

3. DISCUSS, CONSIDER, AND/OR AMEND THE PROPOSED BUDGET OF THE CITY OF BAY CITY FOR THE 2021 FISCAL YEAR.

Scotty Jones, Finance Director

Scotty Jones, Finance Director, asked if there are any addition questions since last workshop. Fire Marshal position funding change, not taking position from PD. Shawna Burkhart added that the first area to look at is the HHW contract, if move forward applied to rate payers monthly then that would free up money for Fire Marshal position. If not rate payer, then take from fund balance. Scotty discussed tax rate information that came in from County. Council did not make a motion.

ADJOURNMENT

Motion made by Councilwoman Sitz to adjourn, Seconded by Mayor Pro Tem Childers.

Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Cornman, Councilman Marceaux, Councilwoman Sitz. Motion carried.

Council adjourned at 5:18 pm

PASSED AND APPROVED, this ____ day of _____, 2020.

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

 JEANNA THOMPSON
 CITY SECRETARY

CITY OF BAY CITY

MINUTES • AUGUST 11, 2020

COUNCIL
CHAMBERS | 1901
5th Street

Regular Council 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 Slitz

Councilwoman

Julie Estlinbaum

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

CALL TO ORDER

Meeting was called to order at 6:01 pm by Mayor Robert K. Nelson.

INVOCATION & PLEDGE

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

Councilman Cornman

CERTIFICATION OF QUORUM**PRESENT**

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

APPROVAL OF AGENDA

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

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

PUBLIC COMMENTS

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

Lucy Morales, 1822 7th, business owner discussed parking parallel vs angle, lots of elderly and handicap who can get out easier at an angle. City has not striped and confusing. We will lose 32 parking spaces if parallel. We are a community of big trucks. Council should address compact parking only as other cities. Opposed to the changes proposed on 35/60 downtown.

Ms. Morales understands traffic issue, but we have worked hard to make downtown a destination, and spent a lot of money. Proposal will kill downtown.

Mitch Thames, BC Chamber, did get the estimate on flowerbeds, will come in on budget. Moving forward. Active and busy. Excited about housing.

Todd Hlavinka, bidder on Airport. Glad to business with city.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

no consent items

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. INTRODUCTION OF JONATHAN KIRKSEY, THE NEW ASSISTANT DIRECTOR OF PUBLIC WORKS - STREETS AND MUNICIPAL OPERATIONS.

Barry Calhoun, Public Works Director, introduced Jonathan Kirksey, goes by Jon. Jon mentioned his experience in public works. Mr. Kirksey is the new Assistant Public Works Director.

2. PRESENTATION OF RECOGNITION OF THE BAY CITY MUNICIPAL COURT AWARD FOR HONORABLE MENTION BY THE TEXAS MUNICIPAL COURTS EDUCATION CENTER FOR THEIR EFFORTS IN MUNICIPAL TRAFFIC SAFETY INITIATIVES.

Katy Plunkett, Court Administrator, summarized the award criteria for honorable mention. Ms. Plunkett stated that Sgt. Suzanne Sullivan, with the Bay City Police Department, was not able to attend, but that she helped and her repore with students help reach more schools. Ms. Plunkett thanked Sgt. Sullivan and Lety Vega, with Municipal Court, for their help.

3. DISCUSSION WITH TXDOT REGARDING DOWNTOWN TURN LANES.

Shawna Burkhart, City Manager & Ryan Simper, TxDOT PE

Shawna Burkhart suggested taking TxDOT's recommendations, excluding Avenue G and H in a drafted letter.

4. DISCUSS, CONSIDER, AND/OR AWARD PROJECT CE2020-001R/THGR: NEW ROW E AT BAY CITY REGIONAL AIRPORT AND AUTHORIZE THE MAYOR TO EXECUTE A CONTRACT BETWEEN THE CITY OF BAY CITY AND THE LOWEST BIDDER.

James Mason, Airport Manager, stated that Burts Construction was lowest bidder.

Motion made by Councilman Cornman to accept Burts Construction bid, Seconded by Councilwoman Sitz.

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

5. DISCUSS, CONSIDER AND/OR APPROVE ITEMS TO BE CONSIDERED SURPLUS PROPERTY AND APPROVE THE AUCTION, TRADE, AND/OR DISPOSAL THE PROPERTY.

James Mason, Airport Manager

Motion made by Mayor Pro Tem Childers to approve items as surplus property, Seconded by Councilwoman Estlinbaum.

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

6. DISCUSS, CONSIDER AND/OR APPROVE AUTHORIZATION OF THE SUBMISSION OF A 2020 MAIN STREET PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF AGRICULTURE AND DESIGNATING AUTHORIZED SIGNATORIES FOR THE GRANT.

Presented by Alyssa Dibbern, Engineering Tech. Resolution due by September 1st and BCCDC will match \$75,000.

Motion made by Mayor Pro Tem Childers to approve the resolution, Seconded by Councilman Cornman.

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

7. DISCUSS, CONSIDER AND APPROVE RESOLUTION TO DETERMINE AN AREA OF THE BAY CITY THAT CONTAINS CONDITIONS WHICH ARE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE OF THE COMMUNITY AND CONSTITUTES A BLIGHTED AREA.

Alyssa Dibbern, Engineering Tech, presented the Resolution that regarded sidewalks, ramps, and new curbs.

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

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

8. DISCUSS, CONSIDER, AND/OR APPROVE THE ADOPTION OF THE CITIZEN PARTICIPATION PLAN AS SET FORTH BY THE TEXAS GENERAL LAND OFFICE (GLO) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT MITIGATION (CDBG-MIT) PROGRAM.

Alyssa Dibbern, Engineering Tech, presented the Citizen Participation Plan required for the CDBG-MIT program.

Motion made by Councilman Cornman to approve the Citizen Participation Plan, Seconded by Councilwoman Sitz.

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

9. DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION SUPPORTING THE MATAGORDA COUNTY ECONOMIC DEVELOPMENT CORPORATION STRATEGIC PLAN.

Heather Menzie with EDC presented the resolution stating that recently board members have been discussing a county wide strategic plan. Since it was a significant investment, having entities pledge support thru participation. No funding involved. Mayor Nelson added that its a great opportunity.

Motion made by Councilman Marceaux to approve the resolution, Seconded by Mayor Pro Tem Childers.

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

10. CONSIDER PLACING A PROPOSAL TO ADOPT A TAX RATE FOR THE 2021 FISCAL YEAR AS AN ACTION ITEM ON THE AGENDA OF A FUTURE COUNCIL MEETING, SPECIFYING THEREIN THE DESIRED TAX RATE AND PUBLISHING NOTICE THEREOF.

Scotty Jones, Finance Director, stated that we are proposing same tax rate as last year. Mayor Nelson polled the votes.

Motion made by Mayor Pro Tem Childers approve placing a proposal to adopt a tax rate for fiscal year 2021 as an action item on the September 8, 2020 Council agenda with a desired rate of .65500 per 100 value and publishing notice thereof, Seconded by Councilman Marceaux.

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

11. CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2021 FISCAL YEAR BUDGET AND CAPITAL IMPROVEMENT PLAN FOR TUESDAY, AUGUST 25, 2020 AND TUESDAY, SEPTEMBER 1, 2020.

Motion made by Councilwoman Estlinbaum approve setting two public hearings for the proposed bug and capital improvement plan as proposed, Seconded by Councilwoman Sitz.

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

12. CONSIDER SETTING TWO (2) PUBLIC HEARINGS ON THE PROPOSED 2021 FISCAL YEAR TAX RATE FOR TUESDAY, AUGUST 25, 2020 AND TUESDAY, SEPTEMBER 1, 2020 (IF REQUIRED).

Motion made by Mayor Pro Tem Childers to approve setting two public hearings on the proposed tax rate as proposed, Seconded by Councilwoman Estlinbaum.

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

13. DISCUSS, CONSIDER, AND/OR APPROVE THE BUDGETARY AND FINANCIAL MANAGEMENT POLICY.

Motion made by Councilwoman Estlinbaum to approve the Budgetary and Financial Management Policy, Seconded by Councilman Marceaux.

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

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilman Brent Marceaux welcomed Ms. Brown to meeting. Mayor Pro Tem Jason Childers stated that over a year ago around March 7th, 2019 council approved dedicating the Tom Uher memorial highway and he'd like that back on topic. Councilwoman Julie Estlinbaum thinks it needs a resolution. Councilman Bill Cornman asked Jeanna Thompson, City Secretary, to put on next meeting an executive session to look at charter regarding the City Manager, also wants on agenda an update on the 16th pool.

ADJOURNMENT

Motion made by Councilman Marceaux to adjourn, Seconded by Councilwoman Estlinbaum.

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

Council adjourned at 7:33 pm.

PASSED AND APPROVED, this ____ day of _____, 2020.

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

JEANNA THOMPSON
CITY SECRETARY

**EXCLUSIVE AGREEMENT
FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF
HOUSEHOLD HAZARDOUS WASTE
IN THE CITY OF BAY CITY, TEXAS**

March 1, 2020

**EXCLUSIVE AGREEMENT
FOR THE COLLECTION, HAULING, RECYCLING AND DISPOSAL OF
HOUSEHOLD HAZARDOUS WASTE
IN THE CITY OF BAY CITY, TEXAS
STATE OF TEXAS
COUNTY OF MATAGORDA**

THIS EXCLUSIVE AGREEMENT (this "Agreement") is made and entered into as of March 1, 2020, by and between Doliver Enterprises, LLC., a Texas Corporation, dba HHW Solutions (the "Service Provider"), and the City of Bay City, Texas (the "City").

WHEREAS, the City, subject to the terms and conditions set forth herein and the ordinances and regulations of the City, desires to grant to the Service Provider the exclusive license and privilege to collect, haul and recycle or dispose of Household Hazardous Waste (as such terms are defined herein) within the City's corporate limits.

NOW, THEREFORE, in consideration of the premises and the mutual promises, covenants and agreements set forth herein, the Service Provider and the City hereby agree as follows:

SECTION 1. DEFINED TERMS.

The following terms, as used herein, will be defined as follows:

Aggregate - The act of bringing together household hazardous waste that, after being separated from other household waste, is collected from two or more households and accumulated at a collection event, permanent collection center, point of generation pick-up service, mobile collection unit, or transporter's facility for the purpose of reusing, recycling, or disposing the material.

Business Day - Any day that is not a Saturday, a Sunday, or other day on which banks are required or authorized by law to be closed in the City.

Collector - Any person who accepts from two or more households any waste materials that have been separated from other household waste and offered to the collector because the generator either knows or considers the materials to be household hazardous waste.

Hazardous Waste - Waste identified or listed as a hazardous waste by the administrator of the United States Environmental Protection Agency (EPA) under the federal Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended, or so classified by any federal or State of Texas statute, rule, order or regulation.

Holidays - The following days:

- (1) New Year's Day (January 1st)
- (2) Memorial Day
- (3) Independence Day (July 4th)

- (4) Labor Day
- (5) Thanksgiving Day
- (6) Christmas Day (December 25th).

Household Hazardous Waste - Any solid waste generated in a household by a consumer which, except for the exclusion provided in 40 Code of Federal Regulations (CFR) §261.4(b)(1), would be classified as a hazardous waste under 40 CFR Part 261. The term has the same meaning as "hazardous household waste." The definition for purposes of this contract shall include Electronic Recycables.

Household Hazardous waste processing, storage, or disposal facility - A hazardous waste processing, storage, or disposal facility that has received an United States Environmental Protection Agency (EPA) permit (or a facility with interim status) in accordance with the requirements of 40 Code of Federal Regulations (CFR) Parts 270 and 124, or that has received a permit from a state authorized in accordance with 40 CFR Part 271.

Landfill - Any facility or area of land receiving Municipal Solid Waste or Construction and Demolition Waste and operating under the regulation and authority of the Texas Commission on Environmental Quality ("TCEQ") within the State of Texas, or the appropriate governing agency for landfills located outside the State of Texas.

Mobile collection unit - A vehicle (such as a truck or trailer) that is used to aggregate household waste materials delivered by the public prior to transporting the material to a permanent collection center, collection event, or registered hazardous waste transporter facility.

Operator - A person responsible for the collection, aggregation, and storage of household hazardous waste and household materials at a collection event or permanent collection center, in a point of generation pick-up service or mobile collection unit, or in any combination of collection programs.

Personnel - All individuals who perform tasks at or oversee the operations of a collection event, permanent collection center, mobile collection unit, or point of generation pick-up service.

Point of generation pick-up service - A service to collect household hazardous waste at generating households, either through direct contact with the generators or by collection of household hazardous waste left at curbside or in another location at the household.

Residential Unit - Any residential dwelling that is either a Single-Family Residential Units or a Multi-Family Residential Units such as a duplex. Excluding Multi-family dwellings such as apartments, townhouses, or hi rise units.

Single-Family Residential Unit - Any residential dwelling that is designed for, and inhabited by, a single person or family unit and that generates and accumulates Household Hazardous Waste.

SECTION 2. OPERATIONS.

A. Scope of Operations. It is expressly understood and agreed that the Service Provider will collect, haul and recycle or dispose of all Household Hazardous Waste(i) generated and accumulated by Residential Units, and (ii) placed for collections by those Residential Units receiving the services of the Service Provider all within the City's corporate limits, including any territories annexed by the City during the term of this Agreement (the "Services").

B. Nature of Operations. The City hereby grants to the Service Provider, in accordance with the City's ordinances and regulations governing the collection, hauling and recycling or disposal of Household Hazardous Waste, the title to all Household Hazardous Waste collected, hauled and recycled or disposed of by the Service Provider over, upon, along and across the City's present and future streets, alleys, bridges and public properties. All title to and liability for materials excluded from this Agreement shall remain with the generator of such materials.

SECTION 3. SINGLE-FAMILY RESIDENTIAL UNIT COLLECTIONS.

- Single-Family Residential Units. The Service Provider will collect Household Hazardous Waste from Single-Family Residential Units once per month; provided, that (i) such Household Hazardous Waste items are placed close to the Residential Unit such as at the doorstep or driveway adjacent to the Unit, no later than 8:00 a.m. on the scheduled collection day.
- Materials accepted include the following:
 - Aerosol products
 - Ammunition, home use fireworks
 - Antifreeze
 - Auto fluids
 - Ballasts (non-PCB & PCB)
 - Batteries – auto, sump, power tool & household sizes
 - Blacktop sealer - oil based
 - Cleaning products
 - Cooking Oil
 - Fire Extinguishers
 - Fluorescent bulbs (tubes and CFLs)
 - Gasoline & oil/gas mixtures
 - HID (headlight bulbs)
 - Hobby & photo chemicals
 - Lawn chemicals
 - Mercury containing Devices (thermostats, etc.)
 - Motor oil
 - Oxygen tanks
 - Paint (Oil-based paints, stains, varnishes; and Latex Paint)
 - Pesticides, poisons, herbicides, insecticides
 - Pharmaceuticals/medications

- Pool chemicals
- Propane tanks • Resins, Glues, Adhesives
- Smoke Detectors
- Solvents
- Items not accepted include the following:
 - Acetylene cylinders
 - Biological or medical waste
 - Business generated waste
 - Foam cylinders (Part A/Part B)
 - Explosives
 - MAPP gases
 - Radioactive Material
 - Syringes/needles
 - Farm machinery oil
- Item Limits per collection per month
 - Fluorescent light bulbs: Minimum 1, Maximum 8
 - Used motor oils or antifreeze: Minimum 1 gallon, Maximum 5 gallons
 - Paints and supplies; Pool & Household Chemicals: Minimum 1 gallons, Maximum 10 gallons
 - Household Cleaners; Pesticides & Fertilizers: Minimum 1 items, Maximum 8 items
 - Household Batteries: Minimum 1; Maximum 20
 - Recyclable Electronics: Minimum 1; Maximum 3, less than 50 pounds per item

SECTION 4. RATES AND FEES.

Subject to adjustment, as provided in Section 5 hereof, the rates and fees to be charged and received by the Service Provider are as follows:

A. Single-Family Residential Unit Services. For the Services provided to Single-Family Residential Units under Section 4.A. hereof, the Service Provider shall charge :

1. \$0.94 per month for each Single-Family Residential Unit.

These rates apply to all Single-Family Residential Units that are located within the City's corporate limits and billed by the City for water and sewer services.

SECTION 5. RATE ADJUSTMENT.

A. CPI-U Adjustment. On each anniversary date of this Agreement, the Service Provider shall have the right, in its sole discretion and upon giving prior notice to the City, to increase or decrease the rates set forth in Section 4 hereof (the "Initial Rates") in accordance with the CPI-U. As used herein, "CPI-U" shall mean the revised Consumer Price Index rate for all urban consumers (all items included) for the nearest available metropolitan area, based on the latest available figures from the Department of Labor's Bureau of Labor Statistics (the "Bureau"). The CPI-U used will

be the CPI-U published by the Bureau during the month ninety (90) days preceding the adjustment under this Section 5A. The amount of the increase or decrease under this Section 5A. shall be equal to the percentage that the CPI-U has increased or decreased over the previous twelve (12) month period.

SECTION 6. EXCLUSIONS.

Notwithstanding anything to the contrary contained herein, this Agreement shall not cover the collection, hauling, recycling or disposal of any Non-Hazardous Solid Waste, animal or human, dead animals, auto parts or used tires from any Residential Unit

SECTION 7. TERM OF AGREEMENT.

The term of this Agreement shall be for a period of two (2) years, commencing on March 1, 2020, and concluding on February 28, 2022. At the expiration of the term of this Agreement, the Agreement may be renewed with mutually agreed upon terms of both parties.

SECTION 8. ASSIGNMENT.

This Agreement shall not be assignable or otherwise transferable by the Service Provider without the prior written consent of the City; provided, however, that the Service Provider may assign this Agreement to any direct or indirect affiliate or subsidiary of the Service Provider or to any person or entity succeeding to all or substantially all of the Service Provider's assets (whether by operation of law, merger, consolidation or otherwise) without the City's consent.

SECTION 9. PROCESSING, BILLING AND FEES.

A. Billings for Single-Family Residential Unit Services. On a monthly basis, the City agrees to bill and collect the rates and fees charged under Section 4.A. hereto from all Single-Family Residential Units possessing active water meters within the City's corporate limits, as well as from all other Single-Family Residential Units requiring the collection, hauling, recycling and disposal of Household Hazardous Waste within the City's corporate limits (the "Residential Billing"), plus any applicable sales, use or services taxes assessed or payable in connection with the Services provided hereunder.

F. Taxes. The City will be responsible to collect any applicable sales taxes that result in the execution of this contract.

SECTION 10. HOURS OF SERVICE.

For all the Services provided hereunder, the Service Provider's hours of service shall be between 8:00 a.m. to 6:00 p.m., Monday through Friday. The Service Provider will not be required to provide service on weekends or Holidays except during natural disasters or emergencies, and may, at its sole discretion, observe Holidays during the term of this Agreement; provided, however, that the Service Provider shall provide such services on the immediately following business day.

SECTION 11. CUSTOMER SERVICE.

The Service Provider agrees to field all inquiries from Residential Units relating to the collection, hauling, recycling and disposal of Household Hazardous Waste. The Service Provider and the City agree to cooperate with each other in the response to any such inquiries and the resolution of any such complaints.

SECTION 12. COMPLIANCE WITH APPLICABLE LAWS.

The Service Provider shall comply with all applicable federal and state laws regarding the collection, hauling, recycling and disposal of Household Hazardous Waste, including existing and future laws that may be enacted, as well as any regulations reasonably passed by the City that are not in derogation of this Agreement. Nothing in this Agreement shall be construed in any manner to abridge the City's right to pass or enforce necessary police and health regulations for the reasonable protection of its inhabitants. The City shall have the right to make reasonable inspections of the Service Provider in order to insure compliance with this Section 12.

SECTION 13. DUE CARE.

The Service Provider shall exercise due care and caution in providing the Services so that the City's public and private property, including streets and parking areas, will be protected and preserved.

SECTION 14. PERSONNEL AND PERFORMANCE STANDARDS.

The Service Provider shall not deny employment to any person on the basis of race, creed or religion, and will insure that all federal and state laws pertaining to salaries, wages and operating requirements are met or exceeded. The Service Provider, its agents, servants and employees shall perform the Services in a courteous, competent and professional manner. During the term of this Agreement and any extension thereof, the Service Provider shall be responsible for the actions of its agents, servants and employees while such agents, servants and employees are acting within the scope of their employment or agency.

Further, the Parties have agreed to the following performance measures in accordance with this agreement:

- a. Service Provider will have no unresolved performance complaints. "Resolved" means that Service Provider addressed the issue and either resolved the issue or the customer was notified that the request was not part of the Agreement or some other unresolvable event.
- b. Service Provider agrees that more than 90% of collections shall be completed without a complaint.
- c. Service routes will be completed by 5:00pm greater than 90% of the time.

SECTION 15. INSURANCE COVERAGE.

Pursuant to this Agreement, the Service Provider shall carry the following types of insurance in an amount equal to or exceeding the limits specified below:

<u>Coverage</u>	<u>Limits of Liability</u>
(1) Worker's Compensation	Statutory
(2) Employer's Liability	\$1,000,000
(3) Commercial General Liability	\$1,000,000 per occurrence, \$2,000,000 in the aggregate, combined single limit for Bodily Injury and Property Damage Liability
(4) Automobile Liability	\$1,000,000 per occurrence combined single limit for Bodily Injury and Property Damage Liability

The City shall be named as an additional insured on all the above coverages with the exception of workers compensation insurance. To the extent permitted by law, any or all of the insurance coverage required by this Section 24 may be provided under a plan(s) of self-insurance, including coverage provided by the Service Provider's parent corporation. Upon the City's request, the Service Provider shall furnish the City with a certificate of insurance verifying the insurance coverage required by this Section 24.

SECTION 16. INDEMNITY.

Service Provider assumes all risks of loss or injury to property or persons caused by its performance of the Services, including the obligations regarding the transportation and disposition of the items collected by Service Provider. The Service Provider agrees to indemnify and hold harmless the City and its agents, directors, employees, officers and servants from and against any and all suits, actions, legal proceedings, claims, demands, damages, costs, liabilities, losses or expenses (including, but not limited to, reasonable attorneys' fees) caused by a willful or negligent act or omission of the Service Provider, its officers and employees. However, the Service Provider shall not be liable for any legal proceedings, claims, demands, damages, costs, expenses and attorneys' fees caused by a willful or negligent act or omission of the City, its agents, directors, employees, officers and servants.

SECTION 17. SAVINGS PROVISION.

In the event that any term or provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unenforceable, this Agreement shall, to the extent

reasonably possible, remain in force as to the balance of its terms and provisions as if such invalid term or provision were not a part hereof.

SECTION 18. TERMINATION.

Any failure by either party or its successors and assigns to observe the terms and conditions of this Agreement shall, if continuing or persisting without remedy for more than thirty (30) days after the receipt of due written notice from the other party, constitute grounds for forfeiture and immediate termination of all the defaulting party's rights under this Agreement, and all such rights shall become null and void.

SECTION 19. FORCE MAJEURE.

The performance of this Agreement may be suspended and the obligations hereunder excused in the event and during the period that such performance is prevented by a cause or causes beyond reasonable control of such party. The performance of this Agreement will be suspended and the obligations hereunder excused only until the condition preventing performance is remedied. Such conditions shall include, but not be limited to, acts of God, acts of war, accident, explosion, fire, flood, riot, sabotage, acts of terrorists, unusually severe weather, lack of adequate fuel, or judicial or governmental laws or regulations.

SECTION 20. GOVERNING LAW.

This Agreement shall be governed in all respects, including as to validity, interpretation and effect, by the internal laws of the State of Texas, without giving effect to the conflict of laws rules thereof. The parties hereby irrevocably submit to the jurisdiction of the courts of the State of Texas and the Federal courts of the United States located in the State of Texas, solely in respect of the interpretation and enforcement of the provisions of this Agreement, and hereby waive, and agree not to assert, as a defense in any action, suit or proceeding for the interpretation or enforcement hereof, that it is not subject thereto or that such action, suit or proceeding may not be brought or is not maintainable in said courts or that the venue thereof may not be appropriate or that this Agreement may be enforced in or by said courts, and the parties hereto irrevocably agree that all claims with respect to such action or proceeding shall be heard and determined in such a Texas State or Federal court. The parties hereby consent to and grant any such court jurisdiction over the person of such parties and over the subject matter of any such dispute and agree that mailing of process or other papers in connection with any such action or proceeding to the addresses of the parties listed below, or in such other manner as may be permitted by law, shall be valid and sufficient service thereof.

SECTION 21. NOTICES.

Any notices required or permitted to be delivered hereunder shall be in writing and shall be deemed to be delivered when deposited in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the respective party at the address set forth below:

If to the City:
 City of Bay City
 1901 5th Street
 Bay City, Texas 77414
 Attn: City Manager

If to the Service Provider:
 HHW Solutions
 1240 Coastal
 Rockwall, Texas 75087
 Attn: Dick Demein

With a Copy to:
 HHW Solutions
 4090 Hackberry Cir
 Caddo Mills, Texas 75135
 Attn: Tim Oliver

or such other addresses as the parties may hereafter specify by written notice and delivered in accordance herewith.

SECTION 22. ATTORNEYS' FEES.

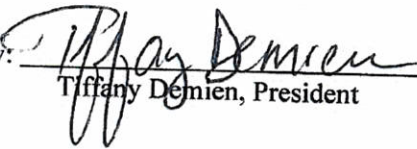
The prevailing party in any dispute between the parties arising out of the interpretation, application or enforcement of any provision hereof shall be entitled to recover all of its reasonable attorneys' fees and costs whether suit be filed or not, including without limitation costs and attorneys' fees related to or arising out of any trial or appellate proceedings.

SECTION 23. ACCEPTANCE.

Passed and approved by the City of BAY City at a duly called City Council Meeting on the 14th day of January, 2020.


DOLIVER ENTERPRISES, LLC
 DBA HHW SOLUTIONS

By: _____


 Tiffany Demien, President

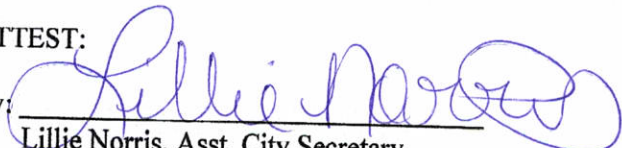
CITY OF BAY CITY, TEXAS

By: _____


 Robert K. Nelson, Mayor

ATTEST:

By: _____


 Lillie Norris, Asst. City Secretary

ORDINANCE NO. _____

ORDINANCE AMENDING THE CITY CODE OF ORDINANCES CHAPTER 26; ARTICLE II (“MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS”) PROVIDING NUMBER OF PERMITS ON STATE HIGHWAYS; PROVIDING A PERMIT RENEWAL PERIOD; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

Be it Ordained by the City Council of the City of Bay City that the following amendments are adopted as Amendments to Chapter 26; Article II; Section 26-23(g) and (i) of the Code of Ordinances.

Section One. The following additions are to be made to Section 26-23 of Chapter 26, Article II of the Code of Ordinances. All insertions are made with red colored letters and all deletions are shown as such.

Section 26-23(g) – Permit Requirements –

(g) No more than ~~four (4)~~ **eight (8)** mobile food establishment permits will be issued for locations located adjacent to Texas 35 ~~or~~ **and** Texas 60. Such permits shall be issued on the earliest date of submission of the completed application. When ~~four (4)~~ **eight (8)** permits have been issued on either Texas 35 ~~or~~ **and** Texas 60, no more permits shall be issued for locations on the respective highway.

(i) Every mobile food establishment permit shall be renewed each year in like manner as the original permit application. Existing permit holders who renew their permit ~~at least~~ **within** thirty (30) days prior to the expiration of the exiting permit, shall be allowed to maintain their location(s) on Texas 35 and ~~or~~ Texas 60. However, if said permit holders renew their permit 30 days or less from the expiration of their permit, the permit application shall be treated as a new application and will be subject to the limitation on the number of permits issued on Texas 35 and Texas 60.

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

Section Three. Severability. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional

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

Section Four. Effective Date. This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

PASSED AND APPROVED on this _____ day of _____, 2020.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary
City of Bay City

Anne Marie Odefey, City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Robert K. Nelson Mayor	_____	_____	_____
Julie L. Estlinbaum	_____	_____	_____
Bill Cornman	_____	_____	_____
Jason Childers, Mayor Pro Tem	_____	_____	_____
Becca Sitz	_____	_____	_____
Brent Marceaux	_____	_____	_____



BAY CITY

REVISED MINUTES • SEPTEMBER 10, 2015

Council Chambers

Regular Meeting

7:00 PM

1901 5TH STREET
BAY CITY, TX 77414

1. CALL TO ORDER & CERTIFICATION OF QUORUM

Attendee Name	Title	Status	Arrived
Mark Bricker	Mayor	Present	
Julie Estlinbaum	Mayor Pro-Tem	Present	
William Cornman	Councilman	Present	
Chrystal Folse	Councilwoman	Present	
Steven Johnson	Councilman	Present	
Carolyn Thames	Councilwoman	Present	

2. INVOCATION & PLEDGE OF ALLEGIANCE - MAYOR PRO TEM JULIE ESTLINBAUM

Texas State Flag Pledge:

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

3. 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.

Bay City resident Marilyn Alvarado spoke about the Parks and Recreation item on the agenda. She stated that in the past she had not participated in many of the Parks and Recreation activities. Ms. Alvarado informed everyone that she really enjoyed Sparks in the Park and other events, and would be more involved with their activities.

Bay City resident David Torrez stated the he had been very disappointed with Council. He asked why the City did not pull up the flags, because they would be tattered if the Northern came in. Mr. Torrez stated that he was disappointed about the roads. The Chateaux Residents were treated as step children. Their roads were deplorable. He went on to state that they had asked for security lights, and he did not see why the City did not add the lights. Mr. Torrez informed Mayor and Council again of the ¾ inch piece of plywood covering a hole near Holy Cross. Mr. Torrez stated that LeTulle Park was bad, and that it was the City's main park. Mr. Torrez spoke to Council and stated that they worked for the citizens, and did not understand why they did not help the citizens. He pointed out that there was a leak in front of IBC Bank. He stated that the City fixed it once, but it was back. Mr. Torrez stated that someone cut down a tree on Highway 60, and it was placed in the City's easement. He added that it was still there.

Bay City resident Richard Muniz informed Mayor and Council that with all of the traffic drivers had been using Old Van Vleck road as a cut through. It was being used as a speedway in the evening and early morning.

4. REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL:**1. Public Hearing**

PUBLIC HEARING ON PROPOSED TAX RATE INCREASE FOR 2015-2016 FISCAL YEAR.

The Mayor prefaced the Public Hearing by announcing that the City would adopt the same tax rate of \$.60209.

The Mayor opened the Public Hearing at 7:16 p.m.

Bay City resident, David Torrez, stated that there should not be an increase. He added that the City should give them money back. He asked if they really thought they deserved any more money.

The Mayor closed the public hearing at 7:18 p.m.

Councilman Cornman pointed out that the City called it a tax increase, but it really was not. He added that the property valuation had increased.

2. Public Hearing

PUBLIC HEARING ON PROPOSED FY 2015-2016 BUDGET.

The Mayor opened the Public Hearing at 7:20 p.m.

Bay City resident David Torrez stated that each year the City budgeted money for roads, and the citizens get nothing from it.

The Mayor closed the Public Hearing at 7:22 p.m.

The Mayor announced that the vote on the tax rate would be September 21st.

3. Proclamation

PRESENTATION OF PROCLAMATION PROCLAIMING SEPTEMBER AS FAMILY MEALTIME 2015, AND DIRECT STAFF AS NECESSARY.

Chinatu Gladrich, Texas A&M AgriLife Extension

RESULT: TABLED

Next: 9/21/2015 7:00 PM

4. Policy

DISCUSSION REGARDING PANCHO'S TACOS COMPLIANCE WITH CHAPTER 26 ARTICLE II DIVISION 2 - MOBILE FOOD COURTS AND MOBILE FOOD ESTABLISHMENTS, AND DIRECT STAFF AS NECESSARY.

Liova Guajardo, Operator of Pancho's Tacos

The Mayor explained that he received a request from Pancho's to be the agenda, but wanted to reach out to Council for one of them to sponsor the item.

Councilwoman Folse explained that they had been in business for five years. Their permit had expired and in that time another vendor took the last spot on Highway 35.

After discussion, it was agreed by Council that the total number of mobile food vendors allowed on 35 and 60 would be 8, and that a vendor would have a 30 day grace period after their permit expired to renew it.

MOTION BY COUNCILMAN JOHNSON, SECOND BY COUNCILWOMAN FOLSE, TO INCREASE TO EIGHT AND NOT TO DESIGNATE A HIGHWAY, AND NOT TO ENFORCE THE CODE UNTIL THE PAPERWORK IS DONE. MOTION CARRIED BY UNANIMOUS VOTE.

5. Report

RECEIVE UPDATE ON PARKS AND RECREATION DEPARTMENT AND PROGRAMS, AND DIRECT STAFF AS NECESSARY.

Kelly Penewitt, Parks and Recreation Supervisor

Parks and Recreation Supervisor, Kelly Penewitt, informed Mayor and Council that Parks and Recreation mowed over 300 acres of parkland, 24 lift stations, 18 water wells, and other miscellaneous properties. Ms. Penewitt reviewed the activities and programs put on by Parks and Recreation. She further explained that they would begin designating certain events to be held on certain days. Community Services Director, John Garr, added that they would be purchasing a banner to go across the State Highways to help promote their events.

Ms. Penewitt stated that they had increased the number of days the pools had been opened. She added that they are working to take care of some of the issues with the pool.

Councilman Cornman asked if there were safety issues with the play-scape at LeTuelle, and Ms. Penewitt stated yes. She went on to state that the playground was outdated for the park. Councilman Cornman added that if there were safety issues, then they need to address it. Ms. Penewitt pointed out that LeTulle was not a park that was budgeted.

Councilwoman Folse stated that she would like to see a more structured Open Gym Program. Councilwoman Folse asked what were they doing with Hardeman Park. Ms. Penewitt stated that the football program currently mows the field. Councilwoman Folse asked if the property was the City's and Ms. Penewitt stated yes.

6. Agreement

CONSIDER AND/OR APPROVE INCREASING SANITATION RATE BY 3%, AND DIRECT STAFF AS NECESSARY.

Mayor Mark A. Bricker

Mayor Pro Tem Estlinbaum stated that she would like to wait on the item since Dustin was working on the new policies.

The Mayor stated that he was trying to get this in before the budget was passed, and he predicted that WCA would come back for a CPI Rate increase. Councilman Cornman asked if the 3% was in the budget, and the Mayor stated yes.

MOTION BY COUNCILWOMAN THAMES, SECOND BY COUNCILMAN CORNMAN, TO INCREASE SANITATION RATE BY 3%. MOTION CARRIED BY UNANIMOUS VOTE.

Councilman Cornman stated that they had a good budget.



City Council
1901 5Th Street
Bay City, TX 77414

SCHEDULED

Meeting: 09/10/15 07:00 PM
Department: Mayor's Office
Category: Policy
Prepared By: Dustin Hodges
Initiator: Dustin Hodges
Sponsors:
DOC ID: 2006

DISCUSSION ITEM (ID # 2006)

**DISCUSSION REGARDING PANCHO'S TACOS COMPLIANCE
WITH CHAPTER 26 ARTICLE II DIVISION 2 - MOBILE FOOD
COURTS AND MOBILE FOOD ESTABLISHMENTS, AND
DIRECT STAFF AS NECESSARY.**



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

AGENDA ITEM REQUEST FORM

Complete Submissions Required:

Any item, to be considered for action by the City Council, must be presented on this form, along with any unprivileged documentation and must be filed and complete to have an item placed on the City Council Agenda for consideration (This process is not required for members of the governing body, but it is encouraged). Before being considered filed for placement on the agenda, a summary of the item, all supporting documentation and review of the item from each City Department must be performed for the request to be complete. If the request is from a citizen, the City shall expedite review through internal means. Request forms must be complete and received by the City Secretary's office no later than 5:00 p.m. on the Wednesday of the week prior to the Regular Council meeting to be placed on that meeting's agenda. The item may be placed on workshop or special council meeting agenda if deemed appropriate by the City. Only completed request forms are considered for placement on the agenda.

Regular Council meetings are held on the second and fourth Thursday of the month at 7:00 p.m. in the Council Chambers at City Hall. Agenda items shall be set for consideration pursuant to City Code Section 2-47, as amended.

Requestor: Linda Guajardo
PRINTED NAME and/or CITY DEPARTMENT

Date Submitted: 09/01/2015

☒ Citizen

☐ City Department

☐ Council Member

Address: 3209 13th St
Bay City, TX 77414

Preferred contact: ☒ Cell (979) 240-0136 or (979) 245-3154
☐ E-mail ☐ Work phone ☐ Fax

I respectfully request the below item be placed on the 9/10 Agenda for City Council consideration.

- 1) Describe item to be considered and area of City involved, if any: Space for Food
Trailer on Hwy 35 in Bay City, TX
- 2) Executive Summary of item and action by council sought: We have been in business
4 yrs and the previous owner provided incorrect information
as to when inspection was due. We have been doing inspections
on that month since 2012 with nothing said about wrong date.
This year, they told us we were late and they gave away our spot
and we had to close
- 3) Do you need time to present this item? ☒ Yes ☐ No If so, how much? 30 min?

September 2, 2015

City of Bay City
1901 5th Street
Bay City, TX 77414

To Whom It May Concern:

Our names are Joe and Liova Guajardo and we are the owners and operators of Pancho's, the food trailer parked at 303 7th Street in Bay City. Pancho's has been in business for five years and we have been owner and operators of it for four of those years. We are both senior citizens (Joe is 69 and Liova is 76) who are running this business in our retirement years for the love of doing it.

To explain the situation briefly, when we took over the business in 2012, the previous owner told us the permits were due to be renewed every August. We started doing permits in August 2012 and have gotten the permits done every August without anyone mentioning anything was late or attaching any late fees. When we got our permit done in August 2015, however, we encountered a problem. We were told our permits were due to be renewed in July and, since we were late they gave away our spot and we would have to close down. They did offer that we could move our trailer to Highway 60, where there was a spot open, but there is no where we can find that has the amenities we need to set up our business. And beyond that, we have been in business here for five years.

We take care of many city employees, including giving free food to all Bay City Police Department and Bay City Volunteer Fire Department employees. We also serve food for many employees of the local plants that come to see us every morning that we are open. We take great pride in preparing special diabetic meals for some patients as well as meeting other special dietary needs of our customers.

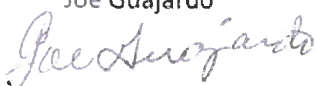
Looking at the spots that are currently occupied and therefore prohibiting us to continue to be open, there is one that is not even open for business and the owner does not have any plans to open it in the immediate future as he has secured alternate employment. There is another that comes in and sets up from another town and brings all of his supplies and ingredients with him. We buy all of our ingredients locally, so Bay City is profiting and getting our tax money.

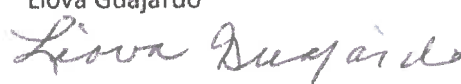
Attached you will find signatures from 165 people with even more on their way. These are local people who eat at our trailer and understand the difficult situation we have been put in and support us being reopened. As Bay City continues to grow, why would more spots not be opened for food trailers? There is an increasing need in our town that we want to help fill.

Please do not take away our abilities to take care of our customers.

Thank you for your time and consideration.

Sincerely,

Joe Guajardo


Liova Guajardo


KEEP OUR FOOD TRAILERS

OPEN: (Pancho's)

1. Regina Murray Bay City, TX.
2. Diana F. Serrato Bay City, TX
3. William F. Holbrook Bay City, TX
4. David G. Walsh Bay City, TX
5. Isaac L. Odom Bay City, TX
6. Jo L. Ortega - 956-207-8929 Edinburg, TX
7. Anthony Moore Bay City, TX
8. Billie L. Linares
9. Mike Spivey
10. David L. Linares
11. Mike Linares
12. Charles H. H. H. 979-240-9173
13. Raul Serrato
14. Jesus M. M. M. Bay City, TX
15. Freddy Munguia
16. MITCHELL M. M. 323-307-5435
17. RESERVOIR L. L. 432-940-6835
18. John A. Cox 1117060000 900-1129
19. Paul J. J. J.
20. Sam C. C. C. 479-321-2101 Bay City, TX
21. Billie L. L. L. 956-667-7854 Bay City, TX
22. J. J. J. J. 979-557-3101
23. Tony R. R. R. 979-479-4148

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Stanley Trestice 323-1171
 Jim [unclear] 2408907
 Belinda Jones 330-6476
 Richard Jones 330-8058
 Dyanne Jones 330-6075
 Richard Jones III
 Tom Uher
 Diane Eckhoff
 Thomas Cox
 Sam
 Zaira Trevino
 Jason Morales
 Chad Yablin
 Leonard Bonoulen
 Brad Yablin
 Judy Yablin
 Sheri Mangum
 Paul [unclear]
 Mark Keith Wesley
 [unclear]
 Kelsey [unclear]
 Kim Smith 979-997-6840
 Heather Fischer 979-318-1918
 Felicia Rodriguez
 Wilbert Jones 979-248-5191
 Tyler Bret Attaway 979-557-9558
 Larry Weldon 557-6192

KEEP OUR Food TRAIL, OPEN

ITEM #14.

51 Doll Wiley

52 CE Slater

53 Don & Edna H. J. L. C. Propane

54 Maya Wilkinson

55 Steven Henry

56 Martha Wilkinson

57 Mike March

58 Jordan Austin

59 Carl Williams

60 Logan Williams

61 Braden Bridgell

62 Joshua Coombs

63 Gary Mather

64 Amy Lili

65 David Lili

66 David Lili

67 Patti Ellison

68 Christy Hays

69 Mike Hays

70 Mike Hays

71 Mike Hays

72 Mike Hays

73 Mike Hays

74 Mike Hays

75 Mike Hays

76 Mike Hays


77 Mike Hays

78 Mike Hays

79 Mike Hays

KEEP OUR FOOD TRAILER OPEN

ITEM #14.

- 78 Rene R Gonzalez
- 79 ~~Brennan Roman~~
- 80 Jacob Ramsey
- 81 Benigno Alfaro
- 82 Jerry Sozalsky
- 83 BOB FOOTE
- 84 Susan Wells
- 85 Carl Lopez
- 86 Jaime Gutierrez
- 87 Noe Lupe Quintana
- 88 Melaine Shulbert
- 89 Jan BAROSIT
- 90 Jan Bank
- 91 Shigael McCenaha
- 92 Mariceth Wry
- 93 YULMIRA GUINIA
- 94 MARVA NIXON
- 95 Alyssa Kutzler
- 96 Joshua Perez
- 97 Nicholas Kuchner
- 98 Johnny Perez
- 99 MARTIN MEDINA / 
- 100 Pamela Lambert
- 101 Haylee Law
- 102 Nicholas MOORE
- 103 Salvador Lopez
- 104 Alexandria Arguello
- 105 Suzan Williams

Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

KEEP FOOD TRAILERS

ITEM #14.

- 106 JOSE A Esquivel AF
 107 Martin Bengel
 108 Courtney Gann
 109 Rose Mary Bengel
 110 Ty Allison
 111 Rene Castillo
 112 Austin Slater
 113 Brent Seider
 114 Ronald Gomez
 115 Efram Ryblos
 116 Lois Aguilar
 117 Paul Ag
 118 Anthony Adley
 119 DL Ross
 120 Sam Bledin
 121 Jeannette Brel
 122 Chris Bouldin
 123 Rhonda Franklin
 124 Raven Baw
 125 Alan Robert
 126 Jonathon Bess
 127 Patricia Bess
 128 Susan Bermea
 129 Feliciano Cuna
 130 Lem Mills
 131 Ray Richard
 132 Jim Slater

Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

KEEP FOOD TRAILER OPEN

ITEM #14.

- 133 THOMPSON CAT
- 134 Megan Bartek
- 135 Parry Jay
- 136 Kristi Hayes
- 137 Justin Thune
- 138 DAVID L. BYERS ~~Don't~~ (Keep OPEN)
- 139 Rachel Richardson
- 140 Sharon Richardson
- 141 Rebecca Richardson
- 142 Robert Matthews
- 143 Kathy Abels
- 144 Megan Saha
- 145 Stacey Goodman
- 146 ~~Justin~~
- 147 ~~Justin~~
- 148 Cameron Douglas
- 149 Lauren Berna
- 150 Monica ~~Only~~
- 151 RYAN ASH CRAFT
- 152
- 153
- 154
- 155
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- 157
- 158

Attachment: Pancho's Open Letter (2006 : Pancho's Tacos Mobile Food Vendor)

Support for PANCHO'S

1. Travis Faris
2. Kathy Farley
3. Megan Barrett
4. Donna Teot
5. Courtney Cunningham
6. Eileen McBrissick
7. Susan M. Harrell
8. Ruby Flores
9. Melissa Bautista
10. Chuck Ar
11. Leslie Koebeig
12. Ray J. Darr
13. Diana Lathan
14. Nicole Brown

ORDINANCE NO. 1461

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING THE CITY CODE OF ORDINANCES CHAPTER 26; ARTICLE II; BY ADDING A NEW SECTION 26, ENTITLED "MOBILE FOOD ESTABLISHMENTS"; PROVIDING FOR PENALTY; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, mobile food trucks and food trailers are currently prohibited within Bay City' Corporate Limits; and

WHEREAS, council desires to establish regulations to allow food trucks and food trailers within the City's Corporate Limits and protect the morals, health, safety and welfare of the community; and

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

Section one. Amendment to Municipal Code of Ordinances Chapter 26 Article II. The City of Bay City's Code of Municipal Ordinances, Chapter 26 (entitled "Businesses") Article II (entitled "Licensing") is hereby amended by adding a new section 2 (entitled "Mobile Food Establishments"), which shall include all of the language contained in **Exhibit "A"**, which is attached hereto and incorporated herein for all purposes.

Section two. Penalty. Violation of any provision of this ordinance is a class C misdemeanor and subject to the penalties prescribed in Section 1-16 of the City's Code of Ordinances.

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

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

Council Member:Voted AyeVoted NoAbsent

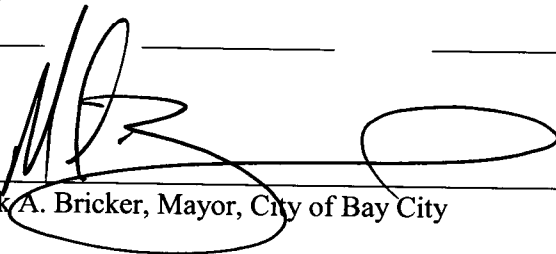
Julie L. Estlinbaum

Bill Cornman

Chrystal Folse

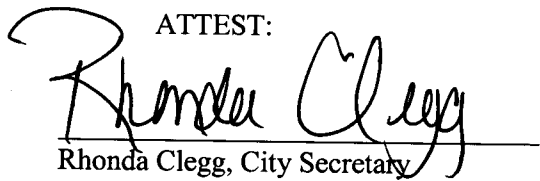
Clarence Fenner

Carolyn Thames



 Mark A. Bricker, Mayor, City of Bay City

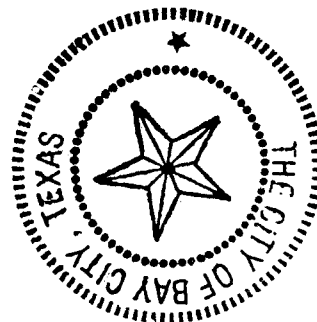
ATTEST:



 Rhonda Clegg, City Secretary

APPROVED AS TO FORM:



 City Attorney


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

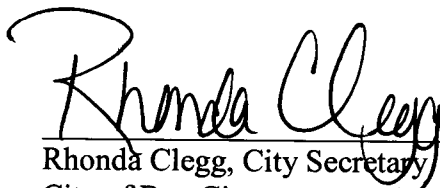
This ordinance shall become effective upon passage, approval and publication of the notice attached hereto as Exhibit "B", in the City's Official Newspaper, in accordance with Texas Local Government Code Sections 52.004(b) and 52.013.

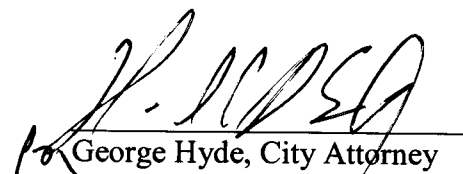
PASSED AND APPROVED on this 13th day of June, 2013.


 Mark Bricker, Mayor
 City of Bay City

ATTEST:

APPROVED AS TO FORM:


 Rhonda Clegg, City Secretary
 City of Bay City


 George Hyde, City Attorney
 City of Bay City


RESOLUTION R-2020-**A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PROFESSIONAL SERVICE PROVIDER SELECTION FOR COMMUNITY DEVELOPMENT BLOCK GRANT-MITIGATION (CDBG-MIT) PROGRAMS THROUGH THE TEXAS GENERAL LAND OFFICE (GLO).**

WHEREAS, participation in CDBG-MIT programs requires implementation by professionals experienced in the administration/project delivery of federally-funded projects and creation of planning documents;

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

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

NOW, THEREFORE, BE IT RESOLVED:

- Section 1. That Grant Works is selected to provide application and project-related **administration/project delivery services** for CDBG-MIT program(s).
- Section 2. That any and all project-related services contracts or commitments made with the above-named service provider(s) are dependent on the successful negotiation of a contract with the service provider(s).

PASSED AND APPROVED ON THE ____ DAY OF _____, 2020.

APPROVED:

Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson, City Secretary

APPROVED as to FORM:

City Attorney
ROBERTS, ODEFY, WITTE & WALL, LLP

RESOLUTION R-2020-**A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING THE SELECTION OF A PROFESSIONAL SERVICE PROVIDER FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT -MITIGATION (CDBG-MIT) PROGRAM FUNDED THROUGH THE TEXAS GENERAL LAND OFFICE (GLO).**

WHEREAS, the CDBG-MIT program requires implementation by professionals experienced in federally-funded projects;

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

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

NOW, THEREFORE, BE IT RESOLVED:

- Section 1. That Lynn Engineering be selected to provide application and project-related **professional engineering services** for the CDBG-MIT program.
- Section 2. That any and all project-related services contracts or commitments made with the above-named service provider are dependent on the award of CDBG-MIT funds and successful negotiation of a contract with the service provider.

PASSED AND APPROVED ON THE ____ OF ____, 2020.

APPROVED:

Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson, City Secretary

APPROVED as to FORM:

City Attorney
ROBERTS, ODEFY, WITTE & WALL, LLP

RESOLUTION R-2020-**A RESOLUTION OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING THE AWARD OF PROFESSIONAL SERVICE PROVIDER CONTRACTS FOR THE 2020 TEXAS COMMUNITY DEVELOPMENT BLOCK GRANT (TxCDBG) TEXAS CAPITAL FUND DOWNTOWN REVITALIZATION/MAIN STREET PROGRAM PROJECT.**

WHEREAS, the 2020 TxCDBG Downtown Revitalization/Main Street Program contract requires implementation by professionals experienced in federally-funded community development projects;

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

WHEREAS, the proposals received by the due date have been reviewed to determine the most qualified and responsive providers for each professional service;

NOW, THEREFORE, BE IT RESOLVED:

- Section 1. That CivilCorp be awarded a contract to provide Texas CDBG application and project-related **professional engineering services** for the 2020 TxCDBG Downtown Revitalization/Main Street Program project.
- Section 2. That any and all contracts or commitments made with the above-named services providers are dependent on the successful negotiation of a contract with the service provider;

PASSED AND APPROVED ON THE ____ OF _____, 2020.

APPROVED:

Robert K. Nelson, Mayor

ATTEST:**APPROVED as to FORM:**

Jeanna Thompson, City Secretary

City Attorney
ROBERTS, ODEFEY, WITTE & WALL, LLP



August 13, 2020

City of Bay City

ATTN: Shawn Blackburn
1209 10th St.
Bay City, TX

Transmitted via email: sblackburn@cityofbaycity.org

PROJECT: City of Bay City Public Pool – Pump Room Shoring

SUBJECT: Proposal for Engineering and Construction Services

Dear Mr. Blackburn,

Lynn Engineering and Lynn Construction are pleased to submit this proposal agreement to City of Bay City for providing professional engineering and construction services for City of Bay City Public Pool – Pump Room Shoring. Our understanding of the project, scope of services, and fees are outlined below.

1. Project Understanding

City of Bay City reached out to Lynn Engineering and Lynn Construction to provide design and construction services to address the structural issues occurring that Public Pool located at 2624 Carey Smith Blvd., Bay City, TX. Currently, the precast 'T' concrete roof over of the pump room is being supported by concrete columns that are extremely compromised. A description of the extent of the damage can be found on the report provided my John D. Mercer dated 4/27/18. While several other issues are mentioned in Mr. Mercer's report, at this time, it was agreed that the most pressing issue is the support structure at the pump room.

The shoring of the pump room roof will be accomplished with (2) steel frames that will be located on the inside face of the existing compromised concrete columns. The structure to be designed and constructed to support the existing pump room roof was determined to be needed for a period of 5 years or until a new public pool facility is constructed.

2. Description of Engineering Deliverables

- a. **Design and Construction Documents (CDs)**, including drawings and technical specifications. This CD set will be used for construction, and submission for permitting and regulatory approvals.
- b. (2) Sets of construction documents signed and sealed by an engineer registered in Texas (pdf and hard copies).
- c. Inspections during construction to ensure all construction is accordance with design drawings.



3. Description of Construction Deliverables

The deliverables listed below are based the construction process discussed during the site visit, preliminary engineering calculations used to size framing and footings, and information collected at the site. The deliverables and fees listed below could change after final engineering design.

- a. Construction schedule that allows for continuous operation of the pool, or minimal down time.
- b. Relocation of any utilities, lighting, equipment, or any other items that may be necessary for construction.
- c. Saw cut existing concrete to allow for (6) new 2'x2' concrete footers. Existing concrete is to be jackhammered and removed from site.
- d. Anchor bolts for connection of steel columns to footers.
- e. Concrete, reinforcement, and labor for new footer construction.
- f. Site welding of steel column to beam connection.
- g. All lifts required for construction to be provided by Lynn Construction.
- h. Remove all excess debris and materials from the worksite at the completion of the project.
- i. Ensure the safety of all present at the worksite until construction is complete.
- j. Provide a minimum of three (3) year warranty to the City of Bay City for services provided under this contract beginning upon acceptance by the City.
- k. Lynn Construction will provide a chief contact person for purposes of discussion related to construction process. Additionally, this person shall be the one authorized to make commitments on behalf of Lynn Construction.

4. Assumptions

- a. City of Bay City will provide a chief contact person.
- b. Lynn Construction will be responsible for securing city permits.



- c. City of Bay City will be responsible for coordinating all upgrades and repairs to existing pump equipment.
- d. The design will be based on the federal, state, and local codes and standards in effect at completion of the basis of design. Any changes in these codes may necessitate a change in scope.
- e. All City of Bay City provided drawings of existing facilities will be relied upon to be accurate for design purposes, based on reasonable verification of the accuracy by Lynn Engineering.
- f. It is assumed all design drawings will be prepared in AutoCAD Version 2020 format and in conformance with Lynn Engineering's drafting standards; drawings will be prepared for half scale 11" x 17" plan sheets.
- g. It is assumed all specifications will be prepared based upon Professional's master specifications (Construction Specification Institute (CSI) Divisions 1 – 49 format).
- h. It is assumed all construction drawings, specifications, and details will be signed and sealed by a Professional Engineer licensed in the State of Texas.
- i. It is assumed the Lynn Engineering will attend design coordination meetings with City of Bay City at least monthly during the Design Phase, and that the Professional will lead and provide the agendas and minutes for these meetings.

5. Schedule

Deliverable or Milestone	Start Date	Completion Date
Notice to Proceed	9/1/20	
Engineering Design	9/1/20	9/15/20
City of Bay City Review for Comment	9/15/20	9/21/20
Concrete Cutting and New Footer Construction	9/22/20	9/28/20
Installation and Welding of Steel Framing	10/14/20	10/19/20
Punch List	10/20/20	10/30/20



6. Acceptance of Criteria

- i. Services shall be accepted upon receipt and review of the Deliverables as fully described above in Section 2 and 3.
- ii. Written acceptance of the Deliverables shall be provided by City of Bay City. Any dispute by Lynn Engineering or Lynn Construction regarding City of Bay City's non-acceptance of a Deliverable shall be made within 10 business days after City of Bay City's notice of non-acceptance.

7. Location

2624 Carey Smith Blvd.
Bay City, TX

8. Fee & Billing

Engineering Deliverables	\$3,500.00
Construction Deliverables	\$26,265.43

9. Closure

If you concur in all the foregoing and wish to direct us to proceed with the services, please have authorized persons execute this Agreement in the spaces provided below, retain one copy, and return the other to us. Fees and times stated in this Agreement are valid for thirty (30) days after the date of this letter.

We appreciate the opportunity to provide these services to you. Please contact me if you have any questions.

Lynn Engineering

By: 

Printed Name: N. Mitchell Carrillo, PE

Title: Engineer

Date: 8/13/20

City of Bay City

By: 

Printed Name: Robert K. Nelson

Title: Mayor

Date: 8/14/2020

FOOD ESTABLISHMENT INSPECTION INTERLOCAL AGREEMENT

STATE OF TEXAS §

§

COUNTY OF MATAGORDA §

This agreement, made and entered into this ____ day of August, 2020, between the County of Matagorda, acting by and through its Health Department (hereinafter referred to as County), and the City of Bay City, a municipal corporation organized under the laws of the State of Texas (hereinafter referred to as City), witnesseth:

WHEREAS, the Matagorda County Commissioners Court adopted rules regulating retail food stores and food service establishments on July 6, 2020; and

WHEREAS, said rules apply only to those incorporated cities or towns that have executed cooperative agreements with the County for coverage under the rules; and

WHEREAS, the City, Texas desires that the County provide the inspection and permitting services described in the rules within the City's boundaries;

Now therefore, in consideration of the covenants and conditions herein contained, the parties hereto mutually agree as follows:

1. City hereby grants County authority to implement and enforce the rules adopted by the Matagorda County Commissioner's Court known as "Matagorda County Health Department Rules for Permitting Retail Food stores and Food Service Establishments" (hereinafter referred to as "Rules") within the City's boundaries.
2. In addition to the premises subject to inspection under Section 5 of the "Matagorda County Health Department Rules for Permitting Retail Food stores and Food Service Establishments" the City hereby grants County the authority to inspect all hospitals, nursing homes, day care centers (profit and non-profit), foster homes, schools, and mobile food establishments within the City's boundaries.
3. County, acting by and through its Health Department, agrees to provide to the City the services set forth in the Rules in exchange for the payment of all required permit fees directly to the County.
4. This agreement shall become effective upon the execution thereof by both parties and is effective for one (1) year. This agreement shall automatically renew annually unless it is cancelled by a party. The agreement may be cancelled, without cause, by either party upon giving the other party to this agreement notice in writing at least thirty (30) days prior to the date of the proposed cancellation.

5. Any modification of this agreement shall be in writing and shall be effective upon the approval of the governing body of each party.

6. Each of the parties hereto agrees to pass such legislation and execute such instruments from time to time as may be necessary to effectuate the terms and conditions of this agreement.

Executed this the _____ day of August, 2020.

COUNTY OF MATAGORDA

ATTEST:

Nate McDonald, County Judge

Stephanie Wurtz, County Clerk

CITY OF BAY CITY

ATTEST

Shawna Burkhardt
City Manager

City Secretary

AGREEMENT BETWEEN MATAGORDA COUNTY AND CITY OF BAY CITY FOR DISASTER PREPARATION

THIS AGREEMENT is made and entered into by and between Matagorda County, Texas ("County"), acting by and through its governing body, and the City of Bay City ("City"), acting by and through its governing body.

RECITALS:

WHEREAS, this Agreement and the activities described herein are authorized by the Interlocal Cooperation Act, Chapter 791 of the Tex. Gov't Code; and

WHEREAS, as part of Matagorda County's disaster emergency planning and preparation, Matagorda County, desires to coordinate with City during a disaster drill, actual disaster or other public health emergency. Pursuant to this agreement, County will appoint a point person to serve in the capacity of a contact to the City in the event of a disaster, whether natural or man-made. This agreement is a voluntary undertaking by Matagorda County; and

WHEREAS, the Participating Entities serve the public in emergency situations. They desire to enter this Interlocal Cooperation Agreement for the purpose of planning, preparation coordination and efficient execution of the Matagorda County Emergency Plan ("Plan") during the event of a disaster; and

WHEREAS, City intends to participate and cooperate with the Matagorda County Emergency Plan by providing participation, resources, and manpower; and

WHEREAS, NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, County and City agree as follows:

I. SCOPE OF SERVICE

CITY'S DUTIES

1. Provide an assigned contact to communicate with and assist in the coordination activities of the County contact assigned to work within the Plan.
2. Upon notification by County of an emergency declared by the federal government, the Texas Commissioner of Health, the Texas Governor, the Matagorda County Judge, or upon request of a local Health Authority, or local Emergency Management authority, the City shall send representative to the Emergency Operations Center ("EOC") located at 2308 Avenue F Bay City, Texas.
3. City will participate in the activation the EOC and cooperate in the execution of the Plan where needed.
4. Maintain documentation as appropriate through a web-based operations center, or other redundant systems as necessary.
5. Participate in preparedness meetings, called by County, which relate to public health emergencies and where the input of the City would be appropriately needed.

6. Participate in any necessary procedures and post-event debriefings.

COUNTY DUTIES

1. Appoint a contact person to answer questions that City may have relating to this Agreement.
2. Provide City with a copy of the Plan.
3. County will maintain a line of successive contacts to coordinate with City in the event the primary contact person is unavailable.
 - 1) Name: Amanda Campos
 Title: Emergency Management Coordinator (EMC)
 Off: (979)323-0707
 Cell: (979-242-2661
 - 2) Name: Doug Matthes
 Title: Assistant Emergency Management Coordinator (EMC)
 Off: (979)323-0707
 Cell: (979)429-0371

II. TERM OF THE AGREEMENT

The term of this Agreement is for two (2) years from the date this Agreement is executed by both the County and the City unless sooner terminated by written agreement of the City of Bay City and the County Judge. This Agreement shall automatically renew for successive two-(2) year terms unless terminated. Either Party may cancel the Agreement by giving thirty (30) days written notice to the other Party.

III. NOTICE

Any notice required or permitted to be given to the City by County may be given by personal delivery, or certified mail, return receipt requested, postage pre-paid, addressed to:

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

Any notice permitted or required to be given to County by City may be given by personal delivery, or certified mail, return receipt requested, postage pre-paid, addressed to:

Matagorda County
 Attention: County Judge
 1700 7th St., Room 301
 Bay City, Texas 77414

With a copy to:

Matagorda County Office of Emergency Management
2200 7th St., Third Floor
Bay City, Texas 77414

Either Party may change its address by giving notice to the other Party in writing. Any notice mailed by certified United States mail, return-receipt requested, shall be deemed given upon deposit in the United States mail.

IV. INDEPENDENT CONTRACTOR

The relationship of the City to County is that of an independent contractor and that nothing contained in this Agreement shall be construed to place County and City in the relationship of principal and agent, master and servant, partners, or joint venturers.

V. IMMUNITY

Neither party waives or relinquishes any immunity or defense on behalf of itself, its trustees, officers, employees, and agents as a result of its execution of this Agreement and performance to the covenants contained herein. The parties specifically reserve any claim it may have to sovereign, qualified, or official immunity as a defense to any action arising in conjunction with this Agreement.

VI. ENTIRE AGREEMENT

This instrument constitutes the entire Agreement between the Parties relating to rights granted and obligations assumed. Any oral representations or modifications concerning the Agreement are of no force or effect except a subsequent written amendment signed by the Parties

VII. GOVERNING LAW AND VENUE

This Agreement is governed in all respects by the laws and Constitution of the State of Texas. Exclusive venue is Matagorda County, Texas.

VIII. SIGNATURES

IN WITNESS WHEREOF, this instrument has been executed on behalf of County by a duly authorized representative of County, and on behalf of City by a duly authorized representative of the City. This Agreement shall be of no force or effect until signed by the presiding elected County Judge.

EXECUTED ON the ____ day of _____, 2020.

[SIGNATURE PAGE FOLLOWS]

ATTEST:

MATAGORDA COUNTY

STEPHANIE WURTZ
COUNTY CLERK

NATE MCDONALD
COUNTY JUDGE

ATTEST:

CITY OF BAY CITY

DAVID HOLUBEC
CITY SECRETARY

ROBERT NELSON
MAYOR