



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, April 26, 2022 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K Nelson

Mayor Pro Tem: Jason W. Childers

Council Members: Becca Sitz, Bradley Westmoreland, Floyce Brown, Jim Folse

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."*

Councilwoman Becca Sitz

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.

Councilwoman Becca Sitz

APPROVAL OF AGENDA

PUBLIC COMMENTS

State Law prohibits any deliberation of or decisions regarding items presented in public comments. City Council may only make a statement of specific factual information given in

response to the inquiry; recite an existing policy; or request staff places the item on an agenda for a subsequent meeting.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

- 1. City Council Regular Meeting minutes of March 22, 2022.**
- 2. Accounts Payable, Direct Payable and Utility Refunds for January, February, and March 2022.**

DEPARTMENT REPORTS

- 3. Public Works Reports and Updates**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 4. Policy ~ Discuss, consider, and/or approve a change to the Civic Center policy regarding decorations. Mitch Thames, Chamber of Commerce**
- 5. Bylaws ~ Discuss, consider, and/or approve an amendment to the Main Street Board Bylaws as approved by the Main Street Board. Tina Israel, Main Street Manager**
- 6. Insurance ~ Discuss, consider and/or approve Windstorm Insurance Policy renewal and take any action deemed necessary. Scotty Jones, Finance Director**
- 7. Resolution ~ Discuss, Consider, and/or approve the Resolution of Denial of AEP's application for approval of a distribution cost recovery factor. Scotty Jones, Finance Director**
- 8. Report ~ Discuss, consider, and/or approve the City's Quarterly Investment Report for the quarter ending March 31, 2022. Scotty Jones, Finance Director**

CLOSED / EXECUTIVE SESSION

- 9. Legal ~ Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).**
- 10. Pursuant to the Texas Government Code Section 551.074 (To discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: City Manager.**

OPEN SESSION

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

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

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, April 22, 2022 before 6:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.

CITY OF BAY CITY

MINUTES • MARCH 22, 2022

COUNCIL
CHAMBERS | 1901
5th Street

City Council Regular Meeting

6:00 PM

1901 5TH STREET
BAY CITY TX, 77414



Mayor

Robert K. Nelson

Councilman

Jim Folse

Mayor Pro Tem

Jason W. Childers

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilwoman

Floyce Brown

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

CALL TO ORDER

The Regular Council meeting was called to order by Mayor Robert K. Nelson at 6:00 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 James Folse

CERTIFICATION OF QUORUM

Quorum certified.

PRESENT

Mayor Robert K. Nelson
Mayor Pro Tem Jason W. Childers
Councilwoman Floyce Brown
Councilman Jim Folse
Councilwoman Becca Sitz
Councilman Brad Westmoreland

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 James Folse

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

There were no public comments.

APPROVAL OF MINUTES

1. **City Council Regular Meeting minutes of February 22, 2022**
2. **City Council Regular Meeting minutes of March 8, 2022**

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

DEPARTMENT REPORTS**3. Report on open water leaks and water & sewer taps**

Barry Calhoun, Public Works Director, provided a presentation reviewing open work orders for water line breaks and leaks and new water & sewer tap requests.

4. Report on Water Meter installations

Barry Calhoun, Public Works Director, provided a presentation reviewing the meter replacement project, in which they have installed 1604 of 6813 of the meters and anticipate to be completed in October.

5. Report on Hamman Road progress

Barry Calhoun, Public Works Director, provided a presentation reviewing an update on Hamman Road drainage project. T-Gray Utility, contractor, started work on March 14th, anticipate to be completed in May. There were issues of AT&T to relocate line and the apartment gate was in conflict with the proposed culvert. The apartment fence project on hold. Councilman Folse asked about next phase and Mr. Calhoun replied that they just executed the contract and design will take a few months.

6. Report on road repairs

Barry Calhoun, Public Works Director, provided a presentation reviewing open work orders for road repairs. Councilman Westmoreland stated that he has noticed on his own that the repairs have been done.

7. Report on Hardeman Park projects

Shawn Blackburn, Park & Recreation Director, reviewed the Hardeman Park projects. Youth soccer has tilled the field and will level. They have demolished the old restrooms and ready to be re-built (pre-manufactured). The teen center is getting repainted outside/inside, kitchen updates. They are working with Mercer Engineering to prepare bid specifications to bid on lighting.

PUBLIC HEARING**8. Public Hearing on the creation of Reinvestment Zone and its benefits to the City of Bay City and to provide a reasonable opportunity for any owner of property within the proposed Reinvestment Zone to protest the inclusion of their property within the proposed Reinvestment Zone.**

David Pettit with DPED reviewed the proposed TIRZ #4, the creation process, properties included in the zone, and the project and finance plan. The zone is 50 acres and proposal of 189 homes to be developed.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

9. **Ordinance ~ an ordinance of the City Council of the City of Bay City, Texas, designating a contiguous geographic area within the City as a Reinvestment Zone pursuant to Chapter 311 of the Texas Tax Code, to be known as Reinvestment Zone Number Four, City of Bay City; describing the boundaries of the zone; creating a Board of Directors for the zone; establishing a tax increment fund for the zone; containing findings related to the creation of the zone; providing a date for the termination of the zone; providing that the zone take effect immediately upon passage of the ordinance; providing a severability clause; and providing an effective date.**

Motion made by Mayor Pro Tem Childers to approve the Ordinance creating TIRZ #4, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

10. **Discuss, consider, and/or approve advertising a request for proposal (RFP) and to formally solicit bids for Benefit Consulting Services.**

Rhonda Clegg, Human Resources Director, presented the proposal. Councilman Westmoreland asked who was on the committee to review bids and Ms. Clegg responded that herself, the City Manager and another City Director/Official will be on the committee. Councilman Westmoreland asked if July 31st is enough time for budget and Ms. Clegg responded that she expects the information to come in sooner prior to budget.

Motion made by Councilwoman Brown to approve advertising an RFP, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

11. **Presentation ~ Discuss, consider, and/or approve the staff to proceed with the facilitation of the "Day of the Dead" event.**

Samantha Denbow and board presented the plans, and budget to facilitate the Day of the Dead event. Susie Brito gave a summary on the meaning of "Day of the Dead". The board wants to continue with the culture of Day of the Dead. A location change is proposed to hold the event at the County fair grounds. They will begin marketing 6 months out. Event to be held on Nov 5th and they will have sponsorship levels.

Motion made by Councilwoman Brown approved the the staff to proceed, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 12. Ordinance ~ Discuss, consider, and/or approve an ordinance amending the City Code of Ordinances relating to Chapter 114 Utilities, Article IV ("Sewers and Sewage Disposal"), Division 4 ("Repair of sanitary Sewer Leaks on Private Property"); providing penalties; providing for repeal all prior law in conflict herewith; and providing for an effective date.**

Barry Calhoun, Public Works Director. presented the Utility Ordinance change, as requested by Council. Councilman Westmoreland added that he has heard that it is common practice, but surrounding cities do not do. Councilman Folse stated that he has learned that water may be on one side and the sewer on the other and doesn't want the citizens to dig up street. Mr. Calhoun stated that we have never asked the citizen to repair the street, we allow the plumber to dig down, but we want to repair the road. Councilman Westmoreland provided a copy of Port Lavaca's ordinance and Mayor Nelson stated he liked it and read it out loud.

Councilwoman Brown motioned to table till next meeting, and Mayor Pro Tem Childers seconded.

- 13. Budget ~ Discuss, consider, and/or approve the purchase of an Asphalt Spreader for the Street department.** Scotty Jones, Finance Director

Scotty Jones, Finance Director, stated that they will budget \$35,000 and ask Council to authorize to issue a purchase order and bring back with a budget amendment and off set with sale tax.

Motion made by Councilman Folse to approve the purchase of an asphalt spreader, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned the regular meeting to convened into an executive session at 7:29 pm.

- 14. Pursuant to the Texas Government Code Section 551.074 (To discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: City Manager.**
- 15. Legal ~ Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).**

OPEN SESSION

Council reconvened the regular session at 8:03 pm. and took no actions on items 14 and 15.

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

Councilman Folse stated that the Little League opening ceremony is this Saturday at 9:00. Councilwoman Sitz stated that the smoke off is on Saturday as well, at Riverside Park. Councilman Folse stated that he has been unable to login to portal and would like to logon to see open work orders reports.

Councilman Westmoreland had seen guys striping downtown and commented on the good work as well as commented on the water bill flyer for good use. He also thanked staff on the lights.

Councilwoman Brown announced that the Main Street Coffee Shop parking for compact car gets striped tomorrow.

Mayor Pro Tem Childers asked what the estimate time on Hamman is? Shawn Burkhardt replied that they have a third party contract. Councilwoman Brown commented on water leak on side of IBC.

Councilman Westmoreland requested an executive session on bank property.

Councilwoman Sitz asked about the airport advisory board, and asked who does the master plan - Shawn Burkhardt stated that an engineer does the plan and its submitted to TxDOT and its in the 5 year and 10 year city plan. Councilwoman Sitz would like to a tour of Hardeman Park. Councilwoman Sitz would like a culvert cleaned behind the old Collin Music store.

Mayor Nelson read a text from the VFW inviting council to the candidate forum on April 7th.

ADJOURNMENT

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

PASSED AND APPROVED, this 26th day of April 2022.

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

JEANNA THOMPSON
CITY SECRETARY

AGENDA ITEM REQUEST FOR CITY COUNCIL APPROVAL

PER CHARTER SECTION 4.10 (C) - AT LEAST ONCE A QUARTER, COUNCIL SHALL VOTE TO APPROVE THE CITY EXPENDITURES MADE SINCE THE LAST QUARTER. EXPENDITURE DETAIL CAN BE FOUND ON THE CITY'S WEB. <https://cityofbaycity.mygovcenter.com>

ACCOUNTS PAYABLE	01/21/22
ACCOUNTS PAYABLE	01/14/22
ACCOUNTS PAYABLE	01/21/22
ACCOUNTS PAYABLE	01/28/22

ACCOUNTS PAYABLE	02/03/22
ACCOUNTS PAYABLE	02/08/22
ACCOUNTS PAYABLE	02/14/22
ACCOUNTS PAYABLE	02/25/22
ACCOUNTS PAYABLE	03/03/22
ACCOUNTS PAYABLE	03/11/22
ACCOUNTS PAYABLE	03/17/22
ACCOUNTS PAYABLE	03/25/22
ACCOUNTS PAYABLE	03/29/22

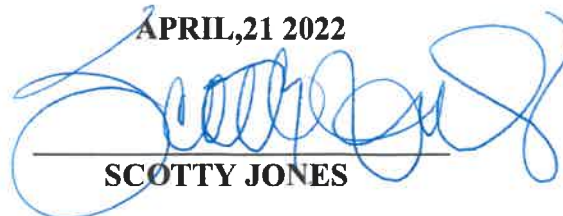
DIRECT PAYABLES	01/06/22
DIRECT PAYABLES	01/20/22
DIRECT PAYABLES	02/02/22
DIRECT PAYABLES	03/02/22

UTILITY REFUNDS	01/05/22
UTILITY REFUNDS	02/08/22
UTILITY REFUNDS	03/07/22

RESPECTFULLY SUBMITTED

FINANCE DIRECTOR

APRIL, 21 2022



SCOTTY JONES

Bay City Main Street Advisory Board By-Laws

ARTICLE I. NAME

Section 1.1 The Board shall mean the Main Street Project Advisory Board of the City of Bay City, Texas.

ARTICLE II. PURPOSE

Section 2.1 The Board shall be under the supervision of the Mayor and the City Council of Bay City, Texas.

Section 2.2 The purpose of the Board is to positively influence and impact the economic health and the preservation of important resources in the City. The Board shall provide technical expertise, education, resources and support to protect and preserve the City's historic resources. Furthermore, the Board shall guide designated programs to effectively preserve and revitalize the City's historic downtown and commercial neighborhood districts in accordance with organization, design, economic vitality, and promotion.

ARTICLE III. MEMBERSHIP

Section 3.1 The Board shall consist of nine (9) to twelve (12) voting Members (Voting Members) and four (4) non-voting, ex-officio Members (Ex-officio Members).

Section 3.2 The Voting Members shall be composed of residents within a 15 mile radius of the City, residents of Matagorda County, or a Business Owner/Manager

Section 3.3 The four (4) Ex-officio Members are the Mayor, the City Council Main Street Liaison, the Executive Director of the Bay City Community Development Corporation, and the Main Street Manager.

Section 3.4 The Mayor shall appoint Voting Members with the approval of City Council. The term of an appointment shall be three (3) years.

Section 3.5 Attendance:

- All Voting and Ex-officio Members are required to attend all scheduled meetings. A Voting Member with three (3) unexcused absences within a twelve (12) month period automatically resigns from that Voting Member's position on the date of the third unexcused absence.

- Any Voting Member wishing to resign shall submit a written resignation to the Chairperson of the Board.

Section 3.6 A vacancy that occurs during a term shall be filled as soon as reasonably possible and in the same manner as an appointment in accordance with the City Charter. If possible, the Main Street Manager should provide a list of potential members.

Section 3.7 Voting and Ex-officio Members shall serve without compensation. The Board and its Voting and Ex-officio members have no authority to expend funds or to incur or make an obligation on behalf of the City unless authorized and approved by the City Council. Voting and Ex-officio Members may be reimbursed for expenses authorized and approved by the Board and City Council.

Section 3.8 Voting and Ex-officio Members shall comply with City Ordinances, Rules, and Policies applicable to the Board and the Voting and Ex-officio Members, including but not limited to *Ethics Ordinance*.

Section 3.9 Removal of Voting Members:

- Voting Members are subject to removal at the discretion of City Council.

ARTICLE IV. BOARD OFFICERS

Section 4.1 The Board Officers are Chairperson, Vice-Chairperson, and Secretary. The Chairperson is recommended by the Main Street Board. And will be voted on in September for the next Fiscal Year.

Section 4.2 Board Officers serve for a term of one year. In the event of vacancy in the office of Chairperson, the Vice-Chairperson shall serve as Chairperson. A vacancy in the other offices shall be filled by majority vote of the Voting Members at the next meeting, or as soon as reasonably practical for the unexpired Officer term. Board Officers may be re-appointed or re-elected, as the case may be.

Section 4.3 Duties.

- a. The Chairperson presides at Board Meetings. The Chairperson shall generally manage the business of the Board. The Chairperson shall perform the duties delegated to the Chairperson by the Board.
- b. Vice-Chairperson shall perform the duties delegated to the Vice-Chairperson by the Board. The Vice-Chairperson presides at Board

meetings in the Chairperson's absence. The Vice-Chairperson shall perform the duties of the Chairperson in the Chairperson's absence.

- c. The Secretary shall perform the duties delegated to the Secretary by the Board.

ARTICLE V. SUBCOMMITTEES

- Section 5.1 The Board may form such subcommittees as it deems appropriate from time to time to carry out the duties and powers of the Board.
- Section 5.2 The Board shall establish the term of subcommittee membership, and may provide for the frequency of meetings, requirements for attendance and frequency and type of required reports of the subcommittees' activities. Except as otherwise provided in a resolution, the Chairperson, in cooperation with the subcommittee chairperson, shall appoint the members thereof from any Voting or Ex-officio Member or City resident who has expressed a particular interest in serving on said subcommittee. Any Member of a subcommittee, including the subcommittee chairperson, may be removed from the subcommittee by a majority of the Board whenever in its judgement the best interests of the Board shall be served by such removal.
- Section 5.3 No subcommittee, or member of a subcommittee, has the authority to expend funds or incur an obligation on behalf of the City or the Board. Subcommittee member expenses may be reimbursed if authorized and approved by the Board and City Council.

ARTICLE VI. MEETINGS

- Section 6.1 The Board shall meet at least monthly at dates and times set by the board. Special meetings may be called at any time by the Mayor, Chairperson, or at the written request of any two (2) Voting Commission Members.
- Section 6.2 Items may be placed on the agenda by the Chairperson, the Mayor or designee, or at the request of a Voting or Ex-officio Member. The person requesting an agenda item shall be responsible for preparing an agenda item cover sheet and for the initial presentation at the meeting. Agenda items shall be submitted to the Staff Liaison no later than **seventy-two (72) hours before** the Board meeting at which the agenda item will be considered. Agenda packets for regular meetings shall be provided to Voting and Ex-officio Members in advance of the scheduled meeting. Agenda packets shall contain the posted agenda, agenda item cover sheets, and written minutes from the prior meeting.

- Section 6.3 All meetings of the Board shall be held in conformance with the Texas Open Meetings Act. Written or recorded minutes of each meeting of the Board shall be prepared by the Board and provided to the City Secretary within 10 days of each meeting.
- Section 6.4 A quorum of the Board consists of six (6) Voting Members. A quorum is required for the Board to convene a meeting and to conduct business at a meeting.
- Section 6.5 Board meetings shall be called to order by the Chairperson, or if absent, by the Vice-Chairperson. In the absence of both the Chairperson and Vice-Chairperson, the meeting shall be called to order by the Secretary, and a temporary Chairperson shall be elected to preside over the meeting.
- Section 6.6 Board meetings shall be conducted in accordance with these By-Laws and City Council meeting rules and Procedures.
- Section 6.7 Each Voting Member shall have one (1) vote. Each Voting Member shall vote on all agenda items, except on matters involving a conflict of interest, in violation of the **City's Ethics Ordinance**, or other applicable laws, rules, or policies. In such instances, the Voting Member shall make the required disclosures and shall refrain from participating in both the discussion and vote on the matter. The Voting Member may remain at the dais or leave the dais, at the Voting Member's option, while the matter is being considered and voted on by the other Voting Members. Unless otherwise provided by law or these By-Laws, if a quorum is present, an agenda item must be approved by a majority of the Voting Members present at the meeting.
- Section 6.8 The Board may conduct closed meetings as allowed by the Texas Open Meetings Act. A recording or certified agenda shall be made of all closed meetings, except closed meetings held under Section 551.071 of the Texas Government Code (Consultation with Attorney).
- Section 6.9 The Board's fiscal year shall be **October 1 – September 30**.
- Section 6.10 An annual Board meeting shall be held in February to elect officers, recognize retiring members, perform administrative functions of the Board, and develop a written plan of action for the upcoming year.

ARTICLE VII. REPORTS TO CITY COUNCIL

- Section 7.1 The Board shall prepare and submit reports upon request or on a as needed basis. The report shall summarize the work completed during the previous year.

Section 7.2 The Board shall meet with City Council, as requested, to determine how the Board may best serve and assist the Mayor and City Council.

ARTICLE VIII. BY-LAW AMENDMENTS

Section 8.1 These By-Laws may be amended by the Board by a vote of approval of at least six (6) Voting Members. No amendment is effective until approved by the City Council.

PASSED AND ADOPTED by the Main Street Project Board this ____ day of April 2022.

MAIN STREET PROJECT ADVISORY BOARD

BY: _____
Chairperson

ATTEST:

BY: _____
Secretary

APPROVED by City Council of Bay City this ____ day of April 2022

CITY OF BAY CITY

Robert Nelson, Mayor

ATTEST:

Jeanna Thompson, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney



Main Street Minutes

Wednesday, April 13, 4:00 PM

BCCDC Conference Room, 1112 7th Street

Members Present: Tami Savage, Fran Baker, Courtney Sones, Elizabeth Hewitt, Carol Ann Huitt, Jennifer Bishop, Manager Tina Israel, and Bay City Sentinel Jessica Shepard.

1. **Meeting called to order at 4:03 PM.**
2. **Certification of quorum:** 6 members present.
3. **Approval of Minutes:** 1st Elizabeth Hewitt 2nd Courtney Sones all in favor.
4. **Public Comments:** None
5. **New Board Member for Bay City Main Street Board Program:** Susan Fehmel has applied to be on our board and was approved on 4/12 at city council meeting. Tami Savage made first motion and Elizabeth Hewitt made second motion everyone voted all in favor.
6. **Modifications to Bay City Main Street Advisory Board By-Laws:** Manager Tina Israel made modifications to the by-laws to present for board approval. Tina went through each change with explanation. No other questions or additions from the board were made. Jennifer Bishop made first motion. Elizabeth Hewitt made second motion. All voted in favor.
7. **COA for Chance Stone 1840 7th Street Awning:** Manager Tina Israel presented COA for new awning system to go on "Stone's Market" at 1840 7th Street. The COA was sent to Jennifer Bishop for review prior to meeting and she had no other concerns about the COA. Manager Tina Israel also stated Chance would be applying for the BCCDC façade grant for the Awning and will come back for the COA for a sign and will apply for Main Street façade grant next month. Tami Savage made first motion. Carol Ann Huitt made second motion. All voted in favor.
8. **Mimosa Hop on the Square:** Mimosa Hop on April 21st downtown around the square from 5-7.
9. **Update from Texas Historic Commission Design Team Visit:** The Design Team came to Bay City Monday April 4th and did a short walk through with Manager Tina Israel, Mayor Nelson, and Fire Marshall Shook. We were able to tour the Theatre and the Landmark building. Manager Tina took them to Nia's downtown and were able to also poke their heads into some of the buildings. They really enjoyed their time and will be looking forward to coming back to assess more.
10. **Main Street Manager Update:** Manager Tina has submitted her Quarterly 1 report to the state and is available for the board to look at if wanted. She also stated we will be getting ready to start planning Camofest and Christmas Around the Square. She also will be returning to school to get her bachelor's degree.
11. **Comments from Board Members:** No comments.
12. **Adjournment:** Next meeting will be May 11th 4:00pm. **Meeting adjourned at 4:31pm.**

**DISCUSS, CONSIDER, AND/OR APPROVE WINSTORM INSURANCE POLICY
RENEWAL AND TAKE ANY ACTION DEEMED NECESSARY**



EXECUTIVE SUMMARY
WINSTORM INSURANCE

BACKGROUND:

The City carries windstorm coverage on most properties, however during Hurricane Harvey and Hurricane Nicholas—very little has been paid out on claims due to the exclusion of “wind driven rain”. The City experienced a 42% increase in 2020, a 9% increase in 2021, and now a 20% increase in the 2022 renewal. Staff has requested this to be bid in two ways:

- 1) All properties
- 2) Essential Properties (see yellow highlighted properties on attached schedule)

FINANCIAL IMPLICATIONS:

\$276,949.54 OR \$327,313.54 (Difference \$50,364)

RECOMMENDATION: Staff wants to discuss options with City Council

ATTACHMENTS: Historical Payments to Amrisc; Property Schedule Listing

Windstorm payment history

Change from
prior year

	Vendor	Premium	
	AMRISC		
4/2017- 4/2018		\$170,619.79	
4/2018- 4/2019		\$186,287.85	9% (10,000 flat per occurrence)
4/2019- 4/2020		\$182,773.50	-2% (10,000 flat per occurrence)
4/2020- 4/2021		\$259,152.60	42% (10,000 flat per occurrence)
4/2021- 4/2022		\$273,591.94	6% (1% Deductible / \$25,000 minimum)
4/2022 - 4/2023		\$327,313.54	* Original quote 20% (5% Deductible) / \$25,000 minimum)
4/2022 - 4/2023		\$276,949.54	* Essential quote 1% (5% Deductible) / \$25,000 minimum)

Comments:

Prior to 2016 the City was with Texas Windstorm Insurance Association

policy shall not cover loss or damage by rain, snow, or dust, whether driven by wind or not, to the interior of any building or structure, or the property inside the building or structure, unless the building or structure first sustains wind or hail damage to its roof or walls through which the rain, snow, sand or dust enters.

2. Reason for rate increases:

- i. Low interest rates
- ii. Increased frequency and severity of natural catastrophes.
- iii. Inflation
- iv. Supply chain/lack of resources
- v. Carriers non-renewing
- vi. Carriers lowering capacity

City of Bay City

04/27/2022-04/27/2023

ID	Building Description	Address	City	Zip	Building Value	Content Value	Total Value
1	Communication Building/Tower	4511 Starling Dr	Bay City	77414-8277	\$247,813	\$0	\$247,813
2	Civic Center w/Flag Pole	2001 7th St	Bay City	77414-5113	\$4,301,519	\$95,000	\$4,396,519
3	Offices and Hangar Building	99000 FM 2540	Van Vleck	77482-0000	\$1,000,000	\$10,000	\$1,010,000
4	Hangar Building A	99002 FM 2540	Van Vleck	77482-0000	\$356,060	\$2,000	\$358,060
5	Hangar Building B	99004 FM 2540	Van Vleck	77482-0000	\$356,060	\$2,000	\$358,060
6	Hangar Building C	99006 FM 2540	Van Vleck	77482-0000	\$356,060	\$2,000	\$358,060
7	Chemical Storage	99008 FM 2540	Van Vleck	77482-0000	\$300,000	\$1,000	\$301,000
8	Hangar Building D	3598 FM 2540 N	Bay City	77414-0000	\$360,159	\$0	\$360,159
9	Well Bldg (Shelter Only)	99000 FM 2540	Van Vleck	77482-0000	\$2,732	\$0	\$2,732
10	City Hall	1901 5th St	Bay City	77414-6199	\$1,357,296	\$110,000	\$1,467,296
11	Fire Department	1900 6th St	Bay City	77414-5133	\$527,679	\$0	\$527,679
12	Service Center	2105 Ave M	Bay City	77414-5233	\$1,226,979	\$27,500	\$1,254,479
13	Municipal Court/Flag Pole	1824 6th St	Bay City	77414-5131	\$315,494	\$50,000	\$365,494
14	Truck Storage/Warehouse/Maintenance	1217 Ave J	Bay City	77414-3516	\$720,000	\$100,000	\$820,000
17	Restrooms/Joe Davis	2820 Rugeley (Rear #2)	Bay City	77414-6801	\$49,079	\$0	\$49,079
19	Police Dept/Flag Pole/130kw Generator	1916 6th St	Bay City	77414-5133	\$1,629,281	\$208,200	\$1,837,481
20	Depot	2620 Ave G	Bay City	77414-6659	\$265,994	\$5,500	\$271,494
21	Sports Complex Pavilion	1100A FM 3156 Rd	Bay City	77414-0000	\$782,114	\$5,500	\$787,614
22	Sports Complex/Concession Stand/Announcers Booth	1100B FM 3156 Rd	Bay City	77414-0000	\$233,415	\$20,000	\$253,415
23	Electrical Warehouse/Barn	1912 Ave I	Bay City	77414-5104	\$349,544	\$120,000	\$469,544
24	Hair Salon	2001 6th St	Bay City	77414-5134	\$105,620	\$0	\$105,620
25	Art Studio-League Building	1921 5th St	Bay City	77414-6143	\$212,081	\$0	\$212,081
26	Senior Citizens Center	924 Whitson St	Bay City	77414-7012	\$325,162	\$0	\$325,162
27	Office/Comfort Station/Dressing/Flags	1000 Riverside Park Rd	Bay City	77414-0000	\$500,000	\$15,000	\$515,000
28	Ranger's House/Maintenance/Fence/Gates	1000A Riverside Park Rd	Bay City	77414-0000	\$200,000	\$15,000	\$215,000
29	Riverside Day Use Pavilion w/Comfort Station/Fence	1000B Riverside Park Rd	Bay City	77414-0000	\$149,970	\$0	\$149,970
30	Restroom Bldg/Pavilion/Fence/Gate	1000C Riverside Park Rd	Bay City	77414-0000	\$150,495	\$0	\$150,495
31	Well House (Shelter Only) & Fencing	Riverside Park	Bay City	77414-0000	\$15,000	\$0	\$15,000
32	City Hall Annex Building	1900 5th St	Bay City	77414-6144	\$525,998	\$74,900	\$600,898
33	City Hall Annex-Storage Building	1900 5th St	Bay City	77414-6144	\$18,602	\$0	\$18,602
34	LeTulle Park Westside Pavilion	Hwy 35 W (1 mile west of City)	Bay City	77414-0000	\$61,165	\$0	\$61,165

38	Eastside Pavilion	Hwy 35 W (1 Mile W of Bay City)	Bay City	77414-0000	\$29,216	\$0	\$29,216
39	Amistad Park Pavilion	10th St & Ave C	Bay City	77414-0000	\$65,474	\$0	\$65,474
40	Amistad Park Restroom	10th St & Ave C	Bay City	77414-0000	\$49,079	\$0	\$49,079
41	Duncan Park Pavilion	706 Duncan St	Bay City	77414-7033	\$65,000	\$0	\$65,000
42	Duncan Park Restroom	706 Duncan St	Bay City	77414-7033	\$45,563	\$0	\$45,563
43	Bath House (Hilliard Pool)	3020 Le Tulle Ave	Bay City	77414-7043	\$272,405	\$0	\$272,405
44	Gazebo	6th St & Ave I	Bay City	77414-0000	\$20,283	\$0	\$20,283
45	Concession Stand	Ave M & 16th St.	Bay City	77414-0000	\$64,738	\$5,000	\$69,738
46	Concession Stand/Announcers Booth	Ave M & 16th St.	Bay City	77414-0000	\$39,305	\$5,000	\$44,305
47	Concession Stand/Restroom/Announcers Booth	Ave M & 16th St.	Bay City	77414-0000	\$131,683	\$5,000	\$136,683
48	Concession Stand/Restroom/Announcers Booth	Ave M & Grace St.	Bay City	77414-0000	\$92,378	\$5,000	\$97,378
49	Storage Bldg (Recreation Equipment)	Ave M & Grace St.	Bay City	77414-0000	\$23,436	\$7,000	\$30,436
50	Concession Stand/Restroom/Pavilion	Ave M & Grace St.	Bay City	77414-0000	\$189,275	\$10,000	\$199,275
51	Pool House (Office, Restrooms, Dressing Rooms)	2624 16th St	Bay City	77414-0000	\$708,758	\$15,000	\$723,758
52	Girl Scout Meeting Hall	2320 Ave K	Bay City	77414-6111	\$285,647	\$0	\$285,647
57	Armory Building	1209 E 10th St	Bay City	77414-3813	\$435,512	\$5,001	\$440,513
58	Control Bldg/Comm Tower/Gen/Flag Pole	4511 Starling Dr	Bay City	77414-8277	\$381,808	\$130,000	\$511,808
59	Animal Impound	4511 Starling Dr	Bay City	77414-8277	\$120,018	\$0	\$120,018
60	Blower Bldg (Shelter Only)	4511 Starling Dr	Bay City	77414-8277	\$126,744	\$0	\$126,744
61	Chlorination/Dechlorination Bldg (Shelter Only)	4511 Starling Dr	Bay City	77414-8277	\$38,254	\$0	\$38,254
62	Generator	6th St & Ave I	Bay City	77414-0000	\$210,189	\$0	\$210,189
63	Hardeman Park Building/Office	600 12th St	Bay City	77414-0000	\$315,914	\$15,000	\$330,914
64	Center for Energy Dev/Training Center/Flag Pole	4000 Ave F	Bay City	77414-7612	\$8,671,875	\$100,000	\$8,771,875
65	Sign	1800 Hwy 35 W	Bay City	77404-0000	\$11,140	\$0	\$11,140
66	Pump/Chemical Bldg (Shelter Only)	2005 6th St	Bay City	77414-0000	\$104,149	\$0	\$104,149
67	Chemical Bldg	2005 6th St	Bay City	77414-0000	\$5,570	\$0	\$5,570
68	Fence at WP/Gates	2005 6th St	Bay City	77414-0000	\$18,497	\$0	\$18,497
69	Control Building (Shelter Only)	2316 Ave B	Bay City	77414-0000	\$16,079	\$0	\$16,079
70	Chemical Building at Well 5	2316 Ave B	Bay City	77414-0000	\$7,987	\$0	\$7,987
71	Chemical Building at Well 6	2316 Ave B	Bay City	77414-0000	\$7,987	\$0	\$7,987
72	Chain Link Fence at WP/Gaste	2316 Ave B	Bay City	77414-0000	\$9,669	\$0	\$9,669
73	Pump Building (Shelter Only)	4516 Mockingbird Ln	Bay City	77414-0000	\$48,238	\$0	\$48,238
74	Control Building (Shelter Only)	4516 Mockingbird Ln	Bay City	77414-0000	\$5,570	\$0	\$5,570
75	Chemical Building	4516 Mockingbird Ln	Bay City	77414-0000	\$10,615	\$0	\$10,615
76	Chain Link Fence/Gates	4516 Mockingbird Ln	Bay City	77414-0000	\$20,073	\$0	\$20,073
77	Control/Chlorine Bldg (Shelter Only)	1021 Grace St	Bay City	77414-0000	\$10,089	\$0	\$10,089

78	Chemical Bldg	1021 Grace St	Bay City	77414-0000	\$4,414	\$0	\$4,414
79	Chain Link Fence/Gates at Water Plant	1021 Grace St	Bay City	77414-0000	\$12,086	\$0	\$12,086
81	Old American Legion Hall/Flag Pole	2106 Cottonwood Ave	Bay City	77414-0000	\$192,008	\$0	\$192,008
82	Animal Control Building	4611 Starling Dr	Bay City	77414-0000	\$128,215	\$0	\$128,215
83	Maintenance Shed	1217 Ave J	Bay City	77414-0000	\$84,706	\$0	\$84,706
84	Chemical Building	6th St & Katy	Bay City	77414-0000	\$13,347	\$0	\$13,347
85	300kw Diesel Generator	2005 6th St	Bay City	77414-0000	\$143,454	\$0	\$143,454
86	230kw Diesel Generator	1021 Grace St	Bay City	77414-0000	\$124,012	\$0	\$124,012
87	275kw Diesel Generator	4516 Mockingbird Ln	Bay City	77414-0000	\$137,674	\$0	\$137,674
88	Lift Station Shelter	4511 Starling Dr	Bay City	77414-0000	\$31,844	\$0	\$31,844
89	Pump House (Shelter only)	Hwy 35	Bay City	77414-0000	\$3,048	\$0	\$3,048
91	Flag Poles (2) at Ctr for Energy Development	4000 Ave F	Bay City	77414-0000	\$9,143	\$0	\$9,143
92	Light Poles with lights (7)	Avenue M	Bay City	77414-0000	\$36,783	\$0	\$36,783
93	Light Poles with lights (7)	Avenue M	Bay City	77414-0000	\$36,783	\$0	\$36,783
94	Lights Poles with lights (7)	Avenue M	Bay City	77414-0000	\$36,783	\$0	\$36,783
95	Lights Poles with lights (4)	1300 Block of Avenue M	Bay City	77414-0000	\$21,019	\$0	\$21,019
96	Light Poles with lights (4)	1300 Block of Avenue M	Bay City	77471-0000	\$21,019	\$0	\$21,019
97	Lights Poles with lights (4)	1300 Block of Avenue M	Bay City	77471-0000	\$21,019	\$0	\$21,019
98	Light Poles with lights (4)	1300 Block of Avenue M	Bay City	77471-0000	\$21,019	\$0	\$21,019
99	Light Poles with lights (6)	3200 Avenue E	Bay City	77414-7115	\$31,528	\$0	\$31,528
100	Lights Poles with lights (6)	3000 Block of Rugeley	Bay City	77414-6838	\$31,528	\$0	\$31,528
101	Light Poles with lights (3)	3000 Block of Rugeley	Bay City	77414-6838	\$15,764	\$0	\$15,764
102	Light Poles with lights (3)	3000 Block of Rugeley	Bay City	77414-6838	\$15,764	\$0	\$15,764
103	Light Poles with lights (6)	FM 3156	Bay City	77414-0000	\$31,528	\$0	\$31,528
104	Light Poles with lights (6)	FM 3156	Bay City	77414-0000	\$31,528	\$0	\$31,528
105	Light Poles with lights (6)	FM 3156	Bay City	77414-0000	\$31,528	\$0	\$31,528
106	2" 5HP Service Pumps (2)	Riverside Park Water Plant	Bay City	77414-0000	\$21,019	\$0	\$21,019
107	Water Well Control Panel (1) Pressure Tank	LeTulle Park Water Plant	Bay City	77414-0000	\$40,000	\$0	\$40,000
109	Well Motor (1), Booster Pumps (3)	Deadend of Mockingbird (4516 Mockingbird)	Bay City	77414-7948	\$781,588	\$0	\$781,588
110	Well Motor (1), Chlorine injection pump (1)	6th St and Katy	Bay City	77414-0000	\$782,849	\$0	\$782,849
111	Well Motor (1), Booster Pumps (3)	6th St and Ave I	Bay City	77414-0000	\$857,361	\$0	\$857,361
112	Well Motor (1), Booster Pumps (3)	Deadend of Grace (1000 Blk of Grace)	Bay City	77414-0000	\$916,740	\$0	\$916,740
113	Lift Station Control Panel (1)	South of New BCHS	Bay City	77414-0000	\$3,153	\$0	\$3,153
114	Lift Station Control Panel (1)	2100 Block of Ross	Bay City	77414-0000	\$15,764	\$0	\$15,764
115	Lift Station Control Panel (1)	11th St & Avenue I	Bay City	77414-0000	\$25,000	\$0	\$25,000
116	Lift Station Control Panel (1)	Hamman Rd and Cottonwood Creek Liftstation	Bay City	77414-0000	\$15,764	\$0	\$15,764
117	Lift Station Control Panel (1), Pumps (2)	5001 Avenue F	Bay City	77414-8444	\$30,000	\$0	\$30,000
118	Lift Station Control Panel (1)	Avenue F & Willow St	Bay City	77414-0000	\$10,509	\$0	\$10,509
119	Lift Station Control Panel (1)	Thompson Rd & Roberts Rd	Bay City	77414-0000	\$15,764	\$0	\$15,764
120	Lift Station Control Panel (1),	Brooks Ave & Lloyd St	Bay City	77414-0000	\$45,000	\$0	\$45,000

121	Lift Station Control Panel (1)	Eagles Rd & Ronald Ave	Bay City	77414-0000	\$3,153	\$0	\$3,153
122	Lift Station Control Panel (1)	FM3156 Rd & Cottonwood Crk	Bay City	77414-0000	\$3,153	\$0	\$3,153
123	Lift Station Control Panel (1)	FM457 & Hwy 35	Bay City	77414-0000	\$15,764	\$0	\$15,764
124	Lift Station Control Panel (1), Pumps (2)	900 Avenue C	Bay City	77414-0000	\$30,000	\$0	\$30,000
125	Lift Station Control Panel (1)	Deadend of Grace	Bay City	77414-0000	\$15,764	\$0	\$15,764
126	Lift Station Control Panel (1), Pumps (2)	North Hwy 60	Bay City	77414-0000	\$30,000	\$0	\$30,000
127	Lift Station Control Panel (1)	3400 Block of El Camino St	Bay City	77414-0000	\$15,764	\$0	\$15,764
128	Lift Station Control Panel (1), Pumps (2)	Doris St & Baylor Ave	Bay City	77414-0000	\$30,000	\$0	\$30,000
129	Lift Station Control Panel (1)	Deadend of Pine Knoll Rd & Cottonwood Creek	Bay City	77414-0000	\$15,764	\$0	\$15,764
130	Lift Station Control Panel (1), Pumps (2)	2200 Block of Gloria Ave	Bay City	77414-0000	\$30,000	\$0	\$30,000
131	Lift Station Control Panel (1)	3600 Block Bucks Bayou Rd	Bay City	77414-0000	\$15,000	\$0	\$15,000
132	Lift Station Control Panel (1)	4000 Holly Glen Dr	Bay City	77414-6937	\$15,764	\$0	\$15,764
133	Lift Station Control Panel (1)	51 7th St	Bay City	77414-4823	\$5,255	\$0	\$5,255
134	Lift Station Control Panel (1)	5900 Block 7th St	Bay City	77414-9403	\$15,764	\$0	\$15,764
138	Lift Station w/Pumps (3)	4511 Starling Dr	Bay City	77414-8277	\$15,764	\$0	\$15,764
139	Library (CDC gets 25%)	1100-1100A 7th St	Bay City	77414-4915	\$3,161,979	\$1,050,000	\$4,211,979
140	Sargent Library	25150 FM 457	Bay City	77414-8835	\$0	\$25,000	\$25,000
141	Digester Waste Sludge Pumps (2)	4511 Starling Dr	Bay City	77414-8277	\$15,000	\$0	\$15,000
142	Waste Sludge Pumps (2)	4511 Starling Dr	Bay City	77414-8277	\$15,000	\$0	\$15,000
143	Scum Pumps (3)	4511 Starling Dr	Bay City	77414-8277	\$20,000	\$0	\$20,000
144	Blowers (5)	4511 Starling Dr	Bay City	77414-8277	\$63,057	\$0	\$63,057
145	Well #5- Well Motor (1), Control Panel (1)	4th St and Ave B (2316 Ave B)	Bay City	77414-0000	\$496,992	\$0	\$496,992
146	Well #6- Well Motor (1), Control Panel (1)	4th St and Ave B (2316 Ave B)	Bay City	77414-0000	\$623,316	\$0	\$623,316
147	Training Facility	4010 Avenue F	Bay City	77414-0000	\$709,869	\$0	\$709,869
150	Eastside Restroom	Le Tulle Ave & Hwy 35 W	Bay City	77414-0000	\$78,975	\$0	\$78,975
152	Duperon Flex Rake (Bar Screen)	4511 Starling Dr	Bay City	77414-0000	\$215,966	\$0	\$215,966
153	Westside Restroom	Le Tulle Ave & Hwy 35 W	Bay City	77414-0000	\$78,975	\$0	\$78,975
154	House - pier and beam (Vacant)	2001 5th St	Bay City	77414-0000	\$100,000	\$5,000	\$105,000
155	Recycling Center	1702 Ave K	Bay City	77414-0000	\$600,000	\$150,000	\$750,000
156	City Hall-Generator	1901 5th St	Bay City	77414-0000	\$191,250.00		\$191,250
157	Municipal Services Building-Generator	1217 Ave J	Bay City	77414-0000	\$226,250.00		\$226,250
158	Civic Center-Generator	201 7th St	Bay City	77414-0000	\$236,250.00		\$236,250
159	Fire Department-Generator	1920 6th St	Bay City	77414-0000	\$98,719.00		\$98,719
160	Maintenance Building	4511 Starling Dr	Bay City	77457	\$277,000.00	\$150,000	\$427,000
161	Club House	1129 TX Hwy 35 S	Bay City	77414-0000	\$968,000	\$100,000	\$1,068,000
162	Retail Building	1129 TX Hwy 35 S	Bay City	77414-0000	\$168,000	\$50,000	\$218,000
163	CGM	1129 TX Hwy 35 S	Bay City	77414-0000	\$220,000		\$220,000
164	Risk Category II-storage	3598 FM 2450 N (E-Row hangar)	Bay City	77414-0000	\$750,000.00		\$750,000
	Business Income				\$200,000		\$200,000
					\$44,259,150	\$2,695,601	\$46,954,751

RESOLUTION~ DISCUSS, CONSIDER AND/OR APPROVE A RESOLUTION OF THE CITY OF BAY CITY TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE CITIES SERVED BY AEP TEXAS; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.



EXECUTIVE SUMMARY

BACKGROUND:

In June 2018, the City joined the Texas Coalition for Affordable Power ("TCAP") which is a non-profit political subdivision corporation established by the 2010 merger of Cities Aggregation Power Project, Inc. ("CAPP") and South Texas Aggregation Project, Inc. ("STAP"), both created in 2001 to aggregate members' power needs in order to negotiate better electric prices for their members. TCAP is one of the largest political subdivision aggregation groups in Texas with political subdivision members that purchase approximately 1.3 billion kWh annually.

On April 6, 2022, AEP Texas Inc. ("AEP" or "Company") filed an Application to Amend its Distribution Cost Recover Factors ("DCRF") to Increase Distribution Rates with each of the cities in their service area. In the filing, the Company asserts that it is seeking an increase in distribution revenues of approximately \$27.56 million (an approximately \$1.28 increase to the average residential customer's bill from the rates just approved in the Company's rate case).

The resolution authorizes the City to join with the Cities Served by AEP ("Cities") to evaluate the filing, determine whether the filing complies with law, and if lawful, to determine what further strategy, including settlement, to pursue.

Purpose of the Resolution:

The purpose of the Resolution is to deny the DCRF application proposed by AEP.

Explanation of “Be It Resolved” Paragraphs:

1. This section authorizes the City to participate with Cities as a party in the Company’s DCRF filing, PUC Docket No. 53451.
2. This section authorizes the hiring of Lloyd Gosselink and consultants to review the filing, negotiate with the Company, and make recommendations to the City regarding reasonable rates. Additionally, it authorizes Cities to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.
3. This paragraph finds that the Company’s application is unreasonable and should be denied.
4. This section states that the Company’s current rates shall not be changed.
5. The Company will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to AEP for reimbursement.
6. This section recites that the Resolution was passed at a meeting that was open to the public and that the consideration of the Resolution was properly noticed.
7. This section provides that AEP and counsel for Cities will be notified of the City’s action by sending a copy of the approved and signed Resolution to counsel.

FINANCIAL IMPLICATIONS:

AEP will reimburse Cities for their reasonable rate case expenses. Legal counsel and consultants approved by Cities will submit monthly invoices that will be forwarded to AEP for reimbursement.

RECOMMENDATION:

Recommend City Council approve Resolution as stated.

ATTACHMENTS:

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF _____, TEXAS FINDING THAT AEP TEXAS INC.'S APPLICATION TO AMEND ITS DISTRIBUTION COST RECOVERY FACTORS TO INCREASE DISTRIBUTION RATES WITHIN THE CITY SHOULD BE DENIED; AUTHORIZING PARTICIPATION WITH THE CITIES SERVED BY AEP TEXAS; AUTHORIZING HIRING OF LEGAL COUNSEL; FINDING THAT THE CITY'S REASONABLE RATE CASE EXPENSES SHALL BE REIMBURSED BY THE COMPANY; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND LEGAL COUNSEL.

WHEREAS, the City of _____, Texas ("City") is an electric utility customer of AEP Texas Inc. ("AEP" or "Company"), and a regulatory authority with an interest in the rates and charges of AEP; and

WHEREAS, the City is a member of the Cities Served by AEP ("Cities"), a membership of similarly situated cities served by AEP that have joined together to efficiently and cost effectively review and respond to electric issues affecting rates charged in AEP's service area; and

WHEREAS, on or about April 6, 2022 AEP filed with the City an Application to Amend its Distribution Cost Recovery Factor ("DCRF"), PUC Docket No. 53451, seeking to increase electric distribution rates by approximately \$27.56 million (an approximately \$1.28 increase to the average residential customer's bill from the rates approved in the Company's most recent DCRF case); and

WHEREAS, all electric utility customers residing in the City will be impacted by this ratemaking proceeding if it is granted; and

WHEREAS, Cities are coordinating its review of AEP's DCRF filing with designated attorneys and consultants to resolve issues in the Company's application; and

WHEREAS, Cities members and attorneys recommend that members deny the DCRF.

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

Section 1. That the City is authorized to participate with Cities in PUC Docket No. 53451.

Section 2. That subject to the right to terminate employment at any time, the City hereby authorizes the hiring of the law firm of Lloyd Gosselink and consultants to negotiate with the Company, make recommendations to the City regarding reasonable rates, and to direct any necessary administrative proceedings or court litigation associated with an appeal of this application filed with the PUC.

Section 3. That the rates proposed by AEP to be recovered through its DCRF charged to customers located within the City limits, are hereby found to be unreasonable and shall be denied.

Section 4. That the Company shall continue to charge its existing rates to customers within the City.

Section 5. That the City's reasonable rate case expenses shall be reimbursed in full by AEP within 30 days of presentation of an invoice to AEP.

Section 6. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

Section 7. That a copy of this Resolution shall be sent to Leila Melhem, American Electric Power Service Corporation, 400 West 15th Street, Suite 1520, Austin, Texas 78701 and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, 816 Congress Ave., Suite 1900, Austin, Texas 78701.

PASSED AND APPROVED this _____ day of _____, 2022.

Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson, City Secretary

APPROVED AS TO FORM:

Anne Marie Odefey, City Attorney

~ **DISCUSS, CONSIDER, AND/OR APPROVE THE CITY'S QUARTERLY FINANCIAL AND INVESTMENT REPORT FOR THE QUARTER ENDING MARCH 31, 2022**



EXECUTIVE SUMMARY

QUARTERLY FINANCIAL & INVESTMENT REPORT

BACKGROUND: Quarterly financial reports provide the most accurate reflection of the quarter activity for each major fund. Reports are provided to City Council via email with a formal presentation at the next available Council meeting. In addition, the Finance Committee meets quarterly to review the Investment Report in detail. This time also serves as an opportunity to discuss the City's finances. In the event that financial decisions or budgetary amendments need attention prior to this date-the Finance Director shall request a Special Called Meeting. All reports are posted to the City's website along with other financial information.

FINANCIAL IMPLICATIONS: Timely financial data provides City Council time to make informed decisions to prevent any negative financial implications.

IMPACT ON COMMUNITY SUSTAINABILITY: The report provides financial information to the public. (i.e., costs of services, revenue sources)

RECOMMENDATION: Staff recommends City Council approve the Quarterly Financial & Investment Report.

ATTACHMENTS: Quarterly Financial Report for Quarter Ending March 31, 2022 (Presented and Handed out at meeting)