

CITY OF BAY CITY

MINUTES • SEPTEMBER 16, 2021

COUNCIL
CHAMBERS | 1901
5th Street

City Council Regular Meeting - RESCHEDULED

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 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."*

Councilwoman Becca Sitz

CERTIFICATION OF QUORUM**PRESENT**

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

ABSENT

Councilman Brad Westmoreland, excused

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

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

David Torrez, 1616 Cottonwood, was concerned about sidewalk maintenance and roads.

APPROVAL OF MINUTES

No minutes to approve.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

No consent items.

PUBLIC HEARINGS

- 1. Public Hearing ~ Pursuant to Texas Local Government Code, Section 370.002, The City of Bay City, Texas shall conduct a Public Hearing to review the Ordinance Codified in Division 2 of Article II of Chapter 66 of the Code of Ordinances and receive public comment on the City of Bay City's Curfew Ordinance.** Robert Lister, Chief of Police

Robert Lister, Chief of Police, addressed council regarding 2nd public hearing. Mayor asked for public comments on the ordinance. David Torres asked what the ordinance was about. Chief Lister summarized the curfew ordinance.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 2. Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City continuing without amendments the Juvenile Curfew Ordinance as codified in the City of Bay City Code of Ordinances, Division 2 of Article II of Chapter 66.**

Robert Lister, chief of Police, introduced the resolution to continue the curfew ordinance.

Motion made by Mayor Pro Tem Childers to approve the resolution continuing without amendments to the Juvenile Curfew Ordinance, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

- 3. Budget ~ Discuss, consider, and/or approve the Bay City Community Development Corporation's Budget for Fiscal Year 2022.**

Motion made by Councilwoman Brown to approve the Bay City Community Development Corporation's Budget for Fiscal Year 2022, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

- 4. Resolution ~ Discuss, consider, and/or approve a Resolution of the City of Bay City, Texas adopting the City of Bay City Five Year Capital Improvement Program.**

Motion made by Councilwoman Sitz to approve the City of Bay City Five Year Capital Improvement Program, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor

Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

5. Budget ~ Discuss, consider, and/or approve an amendment to the Fiscal Year 2022 Proposed Budget.

Motion made by Councilwoman Brown to approve an amendment to the fiscal Year 2022 Proposed Budget, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

6. Ordinance ~ An Ordinance adopting an Operating Budget for the City of Bay City, Texas for Fiscal Year 2022 and all designated, specified, noted, and indicated levies, rates, reserves, revenue provisions, and planned expenditure inherent, expressed, and included therein; providing for a cumulative clause: providing for severability: and providing for an effective date.

Motion made by Councilwoman Sitz to approve the Ordinance adopting an operating budget for the City of Bay City, Seconded by Mayor Pro Tem Childers. Mayor Nelson polled Council.

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

7. Budget ~ Consider, and/or approve a motion to ratify the Property Tax increase reflected in the Budget for the City of Bay City Fiscal Year 2022.

Motion made by Mayor Pro Tem Childers to approve a motion to ratify the property tax increase, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried.

8. Ordinance ~ An Ordinance adopting the Tax Rate of \$0.63500 per \$100.00 of assessed valuation for the City of Bay City, Texas, for the purpose of paying the current expenses of the City for the Fiscal Year ending September 30, 2022, levying a maintenance and operations rate of \$0.47137 and for the further purpose of creating a sinking fund to retire the principal and interest of the bond indebtedness of the City, levying a debt service rate of \$0.16363; providing for alien on all real and personal property to secure payment of taxes due thereon; providing a severability clause herewith; and providing for an effective date.

Motion made by Councilman Jim Folse to approve the ordinance that the property tax rate be increased by the adoption of a tax rate of \$0.6350, which is effectively a 3.99 percent increase in the tax rate, Seconded by Mayor Pro Tem Childers. Mayor Nelson polled the Council.

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

9. Presentation ~ Discussion and update on proposed development with Bold Fox.

Mitch Thames, Bay City Chamber of Commerce and Agriculture, commended the City for having a contract to remove debris. Mr. Thames stated that he was here to introduce a development proposal, as requested by TIRZ #2 Board. Mr. Thames said that Bold Fox Development does a theme development, with wet retention and ponds. Mr. Thames presented that the 50 acres that will be the first of many projects that could be proposed. Development is 189 to 200 homes in the \$180,000 to \$240,000 price range, 1400 to 1600 square foot homes. Bold Fox Development wants to be second to draw money from TIRZ, behind BCCDC, who is still owed for parking lot. There are multiple ideas, but the 50 acre single family and the regional detention park is the focus. Shawna Burkhart, City Manager, added that what has been discussed is if and when Bold Fox property is annexed, it is done at the same time as the Milberger property.

10. Agreement ~ Discuss, consider, and/or approve an extension for the current development agreement between SAL Holdings LLC and the TIRZ #1 regarding Phase II.

Scotty Jones, Finance Director, addressed the development agreement extension that the TIRZ #1 Board has approved.

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

11. Report ~ Review residential usage of the HHW Solutions.

Krystal Mason, Code Compliance Officer, gave the update on the House Hold Waste collection. Ms. Mason stated that we still do not have a large number of participants. There has been six tons of house hold waste diverted from the landfill. Ms. Mason believes many still use the county annual house hold waste collection which will be this October 9th. Council discussed ways of advertising. Mayor Pro Tem Childers asked when contract expired and Ms. Krystal replied February 2022. Mayor Pro Tem Childers stated that we are not seeing the user buy in to offset costs.

CLOSED / EXECUTIVE SESSION

Council adjourned into an Executive Session at 7:03pm.

12. Executive Session 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.

**13. Executive Session pursuant to Texas Government Code Section 551.087
(Deliberation regarding Economic Development).**

OPEN SESSION

Council reconvened back into Regular Session at 8:23 pm. Council took no action on agenda items #12 and #13.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilman Folse announce that Zeinab Ghais is doing wings around town for photos and he thanked the Mayor for attending the soccer opening ceremony. Council thanked the linemen out restoring power and the Mayor Nelson gave a summary of the restoration.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn the meeting, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried and the meeting was adjourned at 8:27 pm.

PASSED AND APPROVED, this 28th day of September 2021.

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

JEANNA THOMPSON
CITY SECRETARY

No. _____

A RESOLUTION OF THE CITY OF BAY CITY CONTINUING WITHOUT AMENDMENTS THE JUVENILE CURFEW ORDINANCE AS CODIFIED IN THE CITY OF BAY CITY CODE OF ORDINANCES, DIVISION 2 OF ARTICLE II OF CHAPTER 66 .

WHEREAS, Section 370.002 of the Local Government Code requires that before the third anniversary of the date of adoption of a juvenile curfew ordinance by a general-law municipality, the governing body of the general-law municipality must review the juvenile curfew ordinance to determine the ordinance's effects on the community and on problems the ordinance was intended to remedy and to determine the need to continue, abolish, or modify said ordinance; and

WHEREAS, the juvenile curfew ordinance was continued by Resolution of the City Council on September 27, 2018; and

WHEREAS, the City Council held two public hearings on Tuesday, August 24, 2021, and Tuesday, September 14, 2021, for the purpose of considering the need to abolish, continue, or modify said ordinance; and

WHEREAS, the City Council of the City of Bay City has reviewed the curfew ordinance's effect on the community and on the problems the ordinance was intended to remedy, and finds the ordinance to be meeting the purposes for which it was enacted.

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

Section 1. All matters and facts set forth in the recitals above are found to be true, and are approved as the processes and procedures which the City Council of the City of Bay City undertook and completed prior to the adoption of this ordinance.

Section 2. The City Council of the City of Bay City continues, without amendments, Ordinance No. 1624, which is now codified in Division 2 of Article II of Chapter 66 of the Code of Ordinances, City of Bay City, Texas, as further continued by Resolution of the Council dated September 27, 2018.

Section 3. The City Council of Bay City hereby finds, determines, and hereby declares that the meeting at which this Resolution is adopted was open to the public, that the public notice of time, place, and the subject matter of the public business to be considered was posted as required by law, including this Resolution.

PASSED and APPROVED on this the September 14, 2021.

APPROVED:

Robert Nelson, Mayor

ATTEST:

Jeanna Thompson
City Secretary

BUDGET~ DISCUSS, CONSIDER, AND/OR APPROVE THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S BUDGET FOR FISCAL YEAR 2022



EXECUTIVE SUMMARY

BACKGROUND:

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

PUBLIC HEARING WAS HELD ON THE FOLLOWING DATE:

THURSDAY, SEPTEMBER 9, 2021 AT 6 PM

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

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

ATTACHMENTS: BCCDC BUDGET

Bay City Community Development Corporation

Operating Budget

Fiscal Year Ending 9/30/22

Acct #	Description	FYE 9/30/2020	FYE 9/30/2021	Proposed Budget 9/30/2022
REVENUE:				
3225	Sales tax collections	\$ 1,577,000	\$ 1,575,000	\$ 1,650,000
3300	BDC income	6,000.00	4,800.00	9,600.00
3401	Training Center lease (STNOC)	75,600.00	80,695.00	85,660.74
3402	Family Entertainment Center lease (SMBG)	350,000.00	275,000.00	300,000.00
3500	Main Street revenue	43,091.00	48,000.00	48,000.00
3504	TIRZ #2 income	150,000.00	150,000.00	150,000.00
3550	Reduction in grant obligation	13,620.00	-	-
3615	Interest income	15,000.00	7,500.00	3,750.00
	TOTAL REVENUE	2,230,311.00	2,140,995.00	2,247,010.74
ADMINISTRATIVE EXPENSES:				
415-4105	Salaries and wages	220,000.00	182,876.00	183,000.00
415-4110	Other compensation	2,052.00	2,052.00	2,052.00
415-4205	Payroll taxes	16,830.00	13,479.00	13,999.50
415-4206	Unemployment taxes	600.00	250.00	616.20
415-4210	Retirement expense	24,426.00	20,342.00	20,355.72
415-4215	Workers Comp insurance	850.00	800.00	800.00
415-4225	Employee health insurance	12,772.00	26,000.00	31,070.00
415-4230	Travel and training	1,795.00	4,000.00	4,000.00
415-4310	General supplies (including postage, freight, copies)	3,500.00	3,500.00	4,800.00
415-4315	Dues and subscriptions	5,000.00	5,000.00	3,400.00
415-4330	Vehicle expense (fuel, insurance & repairs)	4,000.00	1,614.00	3,000.00
415-4405	General insurance	36,171.00	50,000.00	50,000.00
415-4410	Telephone and cell phones	5,000.00	1,750.00	3,000.00
415-4415	Utilities (electricity, water, & gas)	4,500.00	4,500.00	4,000.00
415-4420	Legal and professional	25,000.00	25,000.00	25,000.00
415-4424	Cleaning and maintenance	6,000.00	6,210.00	6,750.00
415-4426	Leasehold improvements	2,000.00	40,000.00	-
415-4427	Equipment rental	4,600.00	4,600.00	3,100.00
415-4428	Building rental	60,000.00	61,200.00	62,424.00
415-4497	Business meals	2,000.00	2,000.00	2,000.00
415-4498	Misc furniture and equipment	2,000.00	500.00	1,000.00
415-4499	Miscellaneous expense	1,000.00	500.00	500.00
415-4505	Repairs and maintenance- equipment	440.00	500.00	-
	TOTAL ADMINISTRATIVE EXPENSES	440,536.00	456,673.00	424,867.42
PROSPECT DEVELOPMENT EXPENSES:				
420-4230	Travel	4,000.00	4,000.00	4,000.00
420-4425	Contract services	600.00	1,000.00	1,000.00
420-4460	Advertising	10,000.00	7,000.00	7,000.00
420-4461	Website development/maintenance	-	8,000.00	3,500.00
420-4497	Business meals	500.00	1,000.00	1,000.00
420-4499	Miscellaneous expense	500.00	500.00	500.00
	TOTAL PROSPECT DEVELOPMENT EXPENSES	15,600.00	21,500.00	17,000.00

Bay City Community Development Corporation

Operating Budget

Fiscal Year Ending 9/30/22

Acct #	Description	FYE 9/30/2020	FYE 9/30/2021	Proposed Budget 9/30/2022		
	PROJECT EXPENSES:					
485-4001	Matagorda County EDC	75,000.00	75,000.00	75,000.00		
485-4003	Website grant	49,970.00	-	50,000.00		
485-4009	Detention pond	6,800.00	-	-		
485-4008	Family Entertainment Center (property taxes)	-	240,000.00			
485-4010	Downtown parking lot	3,200.00	-	400.00		
485-4012	Main Street	30,000.00	30,000.00	25,000.00		
485-4020	Nile Valley Phase II	21,282.00	239,116.00	239,116.00		
485-4021	CED insurance and maintenance	1,207,263.00	209,000.00	120,000.00		
485-4447	City Vision 2040 Plan	20,000.00	5,000.00	5,000.00		
485-4002	Business retention and expansion	310,000.00	75,000.00	150,000.00		
485-4004	Aquatic Center feasibility	19,000.00	-	-		
485-4030	McCoy's land	11,379.00	-	-		
2251/2255	Debt principal payments	417,095.00	438,010.00	463,086.00		
485-4810	Interest expense	437,285.00	412,480.00	349,690.00		
	TOTAL PROJECT EXPENSES	2,608,274.00	1,723,606.00	1,477,292.00		
	TOTAL EXPENSES	3,064,410.00	2,201,779.00	1,919,159.42		
	SURPLUS (DEFICIT)	\$ (834,099.00)	\$ (60,784.00)	\$ 327,851.32		

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



EXECUTIVE SUMMARY

BACKGROUND:

PUBLIC HEARING WAS HELD ON THE FOLLOWING DATE:

THURSDAY, SEPTEMBER 9, 2021 AT 6 PM

Five-Year Capital Improvement Program FY 2022-2026 (Charter sections 10.15 & 10.16)

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

City Secretary's Office

Bay City Public Library

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

ATTACHMENTS: RESOLUTION



Resolution of the City of Bay City, Texas

No.

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

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

WHEREAS a Five-Year Capital Program was presented to the City Council on August 10, 2021 in compliance with the City Charter and,

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

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

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

THAT the Five-Year Capital Program (October 1, 2021 – September 30, 2026), a copy of which is attached hereto and incorporated in the Fiscal Year Budget 2022, is hereby adopted in compliance with the City Charter.

PASSED and APPROVED this 14th day of September 2021.

Robert K. Nelson
Mayor

ATTEST:

Jeanna Thompson
City Secretary

BUDGET~ DISCUSS, CONSIDER, AND/OR APPROVE AN AMENDMENT TO THE FISCAL YEAR 2022 PROPOSED BUDGET.



EXECUTIVE SUMMARY

This provides opportunity after the Public Hearing for Council to make a Budget change. This change should not require an increase in the proposed property tax rate.

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

Attachment: Proposed Amendment to General Fund's Budget

Date: 9/14/2021



FY2022: Property Tax Revenue Increase used to increase Street Construction Fund

The amendments above relate to the following: <i>City Council requested staff to increase the Street Construction Fund by the amount of the proposed property tax revenue increase reflected in the Proposed General Fund's operation budget.</i>					
TOTAL			\$ 230,000	\$ 230,000	

Date _____

Date _____

Date _____

ORDINANCE~ AN ORDINANCE ADOPTING AN OPERATING BUDGET FOR THE CITY OF BAY CITY, TEXAS FOR FISCAL YEAR 2022 AND ALL DESIGNATED, SPECIFIED, NOTED, AND INDICATED LEVIES, RATES, RESERVES, REVENUE PROVISIONS, AND PLANNED EXPENDITURE INHERENT, EXPRESSED AND INCLUDED THEREIN; PROVIDING FOR A CUMULATIVE CLAUSE: PROVIDING FOR SEVERABILITY: AND PROVIDING FOR AN EFFECTIVE DATE.



EXECUTIVE SUMMARY

BACKGROUND:

PUBLIC HEARING WAS HELD ON THE FOLLOWING DATE:

THURSDAY, SEPTEMBER 9, 2021 AT 6 PM

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

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

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

City Secretary's Office

Bay City Public Library

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

ATTACHMENTS: BUDGET ORDINANCE

ORDINANCE _____

AN ORDINANCE ADOPTING AN OPERATING BUDGET FOR THE CITY OF BAY CITY, TEXAS FOR FISCAL YEAR 2022 AND ALL DESIGNATED, SPECIFIED, NOTED, AND INDICATED LEVIES, RATES, RESERVES, REVENUE PROVISIONS, AND PLANNED EXPENDITURE INHERENT, EXPRESSED AND INCLUDED THEREIN; PROVIDING FOR A CUMULATIVE CLAUSE: PROVIDING FOR SEVERABILITY: AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bay City, Texas, is desirous of adopting an Operating Budget for the fiscal year 2022 and

WHEREAS, the proposed Operating Budget was placed on file with the City Secretary on the 15th day of August 2021; and

WHEREAS, a public hearing on the Operating Budget for the City of Bay City for the fiscal year 2021 has heretofore been published in accordance with the law; and

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

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

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

Section one. Operating Budget Approved. The Operating Budget for the fiscal year 2022 is hereby approved and adopted and does include:

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

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

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

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

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

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

Section six. Effective Date. This Ordinance shall become effective October 1, 2021.

PASSED AND APPROVED on this 14th day of September 2021.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary
City of Bay City

Anne Marie Odefey, City Attorney

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

BUDGET~ CONSIDER AND/OR APPROVE A MOTION TO RATIFY THE PROPERTY TAX INCREASE REFLECTED IN THE BUDGET FOR THE CITY OF BAY CITY FISCAL YEAR 2022



Local Government Code 102.007 (c)

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

ORDINANCE~ AN ORDINANCE ADOPTING THE TAX RATE OF \$0.63500 PER \$100.00 OF ASSESSED VALUATION FOR THE CITY OF BAY CITY, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022, LEVYING A MAINTENANCE AND OPERATIONS RATE OF \$.47137 AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPAL AND INTEREST OF THE BOND INDEBTEDNESS OF THE CITY LEVYING A DEBT SERVICE RATE OF \$.16363; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; PROVIDING A SERVERABILITY CLAUSE HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.



EXECUTIVE SUMMARY

BACKGROUND:

PUBLIC HEARINGS WERE HELD ON THE FOLLOWING DATES:

PUBLIC HEARING DATE:

THURSDAY, SEPTEMBER 9, 2021 AT 6 PM

Tax Rate Information	Adopted FY 2021	Proposed FY 2022
Property Tax Rate	.65500	.63500
No-New Revenue Tax Rate	.63808	.61062
No-New Revenue M&O Tax Rate	.65799	.44702
Debt Rate	.17288	.16363
Voter-Approval Tax Rate	.67709	.65445
De Minimis Rate	.88765	.66321

Tax Rate Information	Adopted FY 2021	Proposed FY 2022
Maintenance & Operation Rate	.48212	.47137
Debt Rate	.17288	.16363
Total Property Tax Rate	.65500	.63500

Specific Council motion language required to adopt this ordinance:

“I move that the property tax rate be increased by the adoption of a tax rate of \$.63500, which is effectively a 3.99 percent increase in the tax rate.

ATTACHED: TAX RATE ORDINANCE

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE TAX RATE OF \$0.63500 PER \$100.00 OF ASSESSED VALUATION FOR THE CITY OF BAY CITY, TEXAS, FOR THE PURPOSE OF PAYING THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2022, LEVYING A MAINTENANCE AND OPERATIONS RATE OF \$.47137 AND FOR THE FURTHER PURPOSE OF CREATING A SINKING FUND TO RETIRE THE PRINCIPAL AND INTEREST OF THE BOND INDEBTEDNESS OF THE CITY LEVYING A DEBT SERVICE RATE OF \$.16363; PROVIDING FOR A LIEN ON ALL REAL AND PERSONAL PROPERTY TO SECURE PAYMENT OF TAXES DUE THEREON; PROVIDING A SERVERABILITY CLAUSE HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council of Bay City, Texas, has on this date, by way of separate Ordinance, duly approved, adopted an Operating Budget for the operation of the City for fiscal year 2022; and

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

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

WHEREAS, it is necessary to levy such an *ad valorem* tax at a given rate to generate revenues sufficient to meet the projected expenses of the City for fiscal year 2021; and

WHEREAS, the City has acknowledged that:

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

THE TAX RATE WILL EFFECTIVELY BE RAISED BY 5.45 PERCENT AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY -\$10.75.

WHEREAS, the City has fully and timely complied with all notice and other requirements relative to the adoption of a tax rate for fiscal year 2022.

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

Section one. There is hereby levied for the fiscal year 2022 upon all real property situated within the corporate limits of the City of Bay City, Texas, and upon all personal property which is owned within the corporate limits of the City of Bay City, Texas on January 1, 2021, except so much thereof as may be exempt by the Constitution or laws of the State of Texas, a total tax of \$0.63500 on each \$100 of assessed valuation on all taxable property, which total tax herein so levied shall consist and be comprised of the following components:

- a. An *ad valorem* tax rate of \$0.47137 on each \$100 of assessed valuation of all taxable property is hereby levied for general City purposes and to pay the current operating expenses of the City of Bay City, Texas, for the fiscal year ending September 30, 2022, which tax, when collected shall be appropriated to and for the credit of the General Fund of the City of Bay City, Texas.
- b. An *ad valorem* tax rate of \$0.16363 on each \$100 of assessed valuation of taxable property is hereby levied for the purpose of creating an Interest and Sinking Fund with which to pay the interest and principal of the valid bonded indebtedness, and related fees of the City of Bay City, now outstanding and such tax, when collected, shall be appropriated and deposited in and to the credit of the General Debt Service Fund of the City of Bay City, Texas, for fiscal year ending September 30, 2022.

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

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

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

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

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

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

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

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

PASSED AND APPROVED on this 14th day of September 2021.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary
City of Bay City

Anne Marie Odefey, City Attorney

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

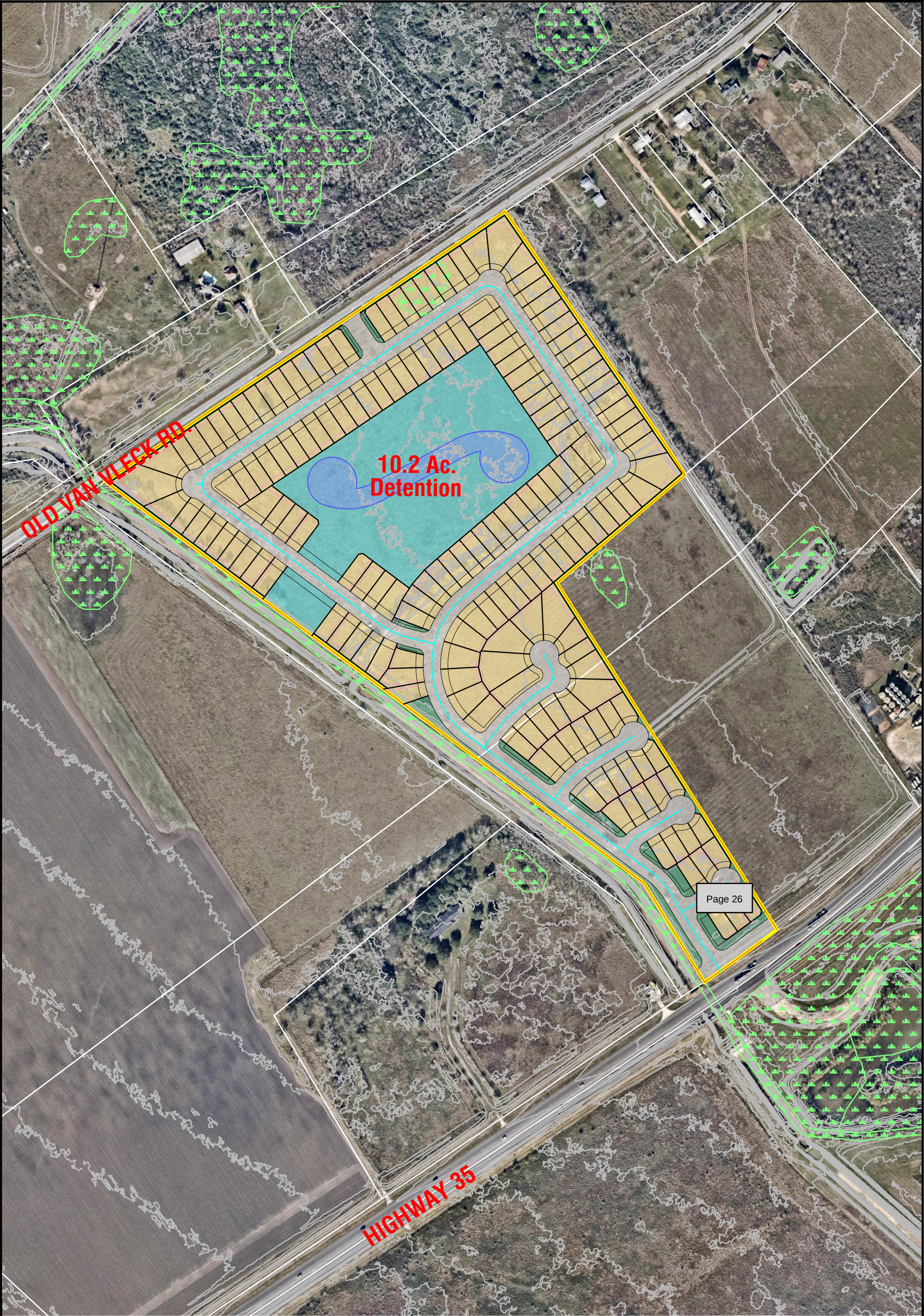


**±52 Acre – Matagorda Tract
Summer 2021**

Site Map

Hwy 35. Tract



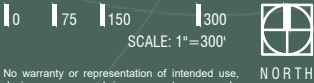


Highway 35 Tract 2 - 178 Lots

A ±52.6 Acre Community located in Harris County, Texas.

EHRA JOB NO. 201-007-00
P:\201-007-00\LandPlan\Highway 35 Tract\Hwy35Tract2_07072020.dwg Jul 10, 2020-9:20am Edited by: hschmitt

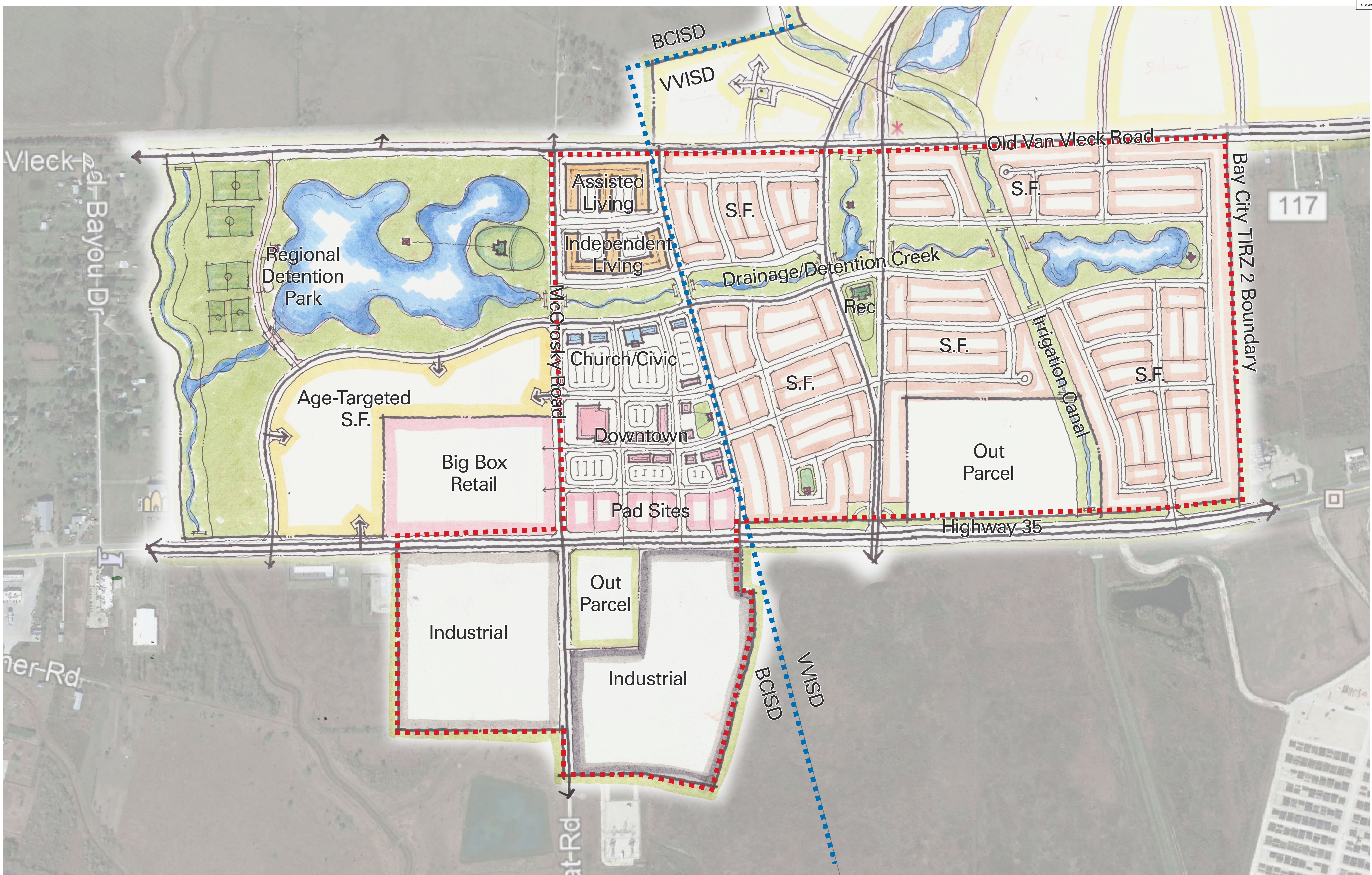
July 10, 2020



No warranty or representation of intended use, design or proposed improvements are made herein. All Plans for land or facilities are subject to change without notice.



10011 MEADOWGLEN LANE
HOUSTON, TEXAS 77042
713.784.4500
EHRAINC.COM
T&E No. F-729
TBPLS No. 10082900



TBG

Bay City TIRZ 2

Conceptual
Master Plan

Bay City, Texas
24 June 2021
Bold Fox Development

TBG
1333 West Loop South
Suite 1450
Houston, Texas 77027

(713) 439 0027
tbpartners.com

The information shown is based on the best information
available and is subject to change without notice.



**FIRST AMENDMENT TO THE DEVELOPMENT FINANCING AGREEMENT
BY AND BETWEEN
THE REINVESTMENT ZONE NUMBER ONE,
CITY OF BAY CITY, AND SAL HOLDINGS, LLC.**

This First Amendment to the Development Financing Agreement (First Amendment) is entered into between the **Tax Increment Reinvestment Zone Number One (TIRZ #1), City of Bay City, Texas**, a home rule Texas municipality located in Matagorda County, Texas (City) and **SAL Holdings, LTD.**, a Texas limited partnership (Owner). City and Owner are individually referred to as “Party” and collectively referred to as “Parties.”

RECITALS

WHEREAS, on September 12, 2019, the City approved a Development Financing Agreement (Agreement) recommended by Tax Increment Reinvestment Zone Number One and Owner on July 17, 2019; and

WHEREAS, the Owner requests an twelve-month extension of its deadline to construct certain improvements described on Exhibit B of the Agreement; and

NOW, THEREFORE, in consideration of the mutual benefits described in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the TIRZ #1 and the Owner agree to this First Amendment as follows:

1.

Amendment

- 1.0 Exhibit “E” Project Completion Schedule:
Phase II
Subject to reimbursement of Phase I
To begin on or before September 20, 2019 and to be completed no later than September 20, 2022.
- 2.0 The remaining provisions in the Agreement remain in full force and effect.
- 3.0 The effective date of this First Amendment is the date this First Amendment is last signed by a Party.

[signatures follow]

Recommended for approval by Tax Reinvestment Zone Number One, City of Bay City, Texas at its meeting on the 9th day of September, 2021.

SAL Holdings, LLC, a Texas Limited Liability Corporation	REINVESTMENT ZONE NUMBER ONE CITY OF BAY CITY, TEXAS
	
Stuart Lynn, Member	William Bell, Chairman

EXECUTED to be effective as of the ____ day of _____ 2021.

THE CITY OF BAY CITY, TEXAS,

By: _____
Jason Childers, Mayor Pro Tem

Date: _____

Attest:

Jeanna Thompson, City Secretary

Approved As To Form:

Anne Marie Odefey
City Attorney