



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, February 22, 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."*

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.

APPROVAL OF MINUTES

- 1. City Council Workshop Meeting minutes of January 25, 2022**
- 2. City Council Regular Meeting minutes of January 25, 2022**
- 3. City Council Special Called Meeting minutes of January 27, 2022**
- 4. City Council Workshop Meeting minutes of February 8, 2022**
- 5. City Council Regular Meeting minutes of February 8, 2022**

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

PUBLIC HEARING

- 6. Public Hearing ~ City Council of Bay City, Texas to consider the advisability of the amendment of Reinvestment Zone Number One (1), Bay City, Texas for Tax Increment Financing Purposes pursuant to Chapter 311, Texas Tax Code and proposed expanded boundaries**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 7. Ordinance ~ Discuss, consider, and/or approve an ordinance of the City Council of Bay City, Texas, amending Ordinance No. 1567 concerning Tax Increment Reinvestment Zone Number One, Bay City, Texas, established pursuant to Chapter 311 of the Texas Tax Code, by expanding the boundary of Tax Increment Financing Reinvestment Zone Number One, Bay City, Texas.**
- 8. Contract ~ Discuss, consider, and/or approve the termination of a contract between the City of Bay City and HHW. Krystal Mason, Code Compliance Officer**
- 9. Ordinance ~ An ordinance amending the City Code of Ordinances Chapter 34 "Emergency Services"; Article II ("Ambulance Services"); adding to Section 34-19 Definitions and 34-20 Authority to Operate; Exceptions; providing for a cumulative and conflicts clause, providing for a severability clause; and providing for an effective date. Shawna Burkhart, City Manager**
- 10. Report ~ Discuss, consider and/or approve the Police Department Annual Report and Racial Profiling Report. Robert Lister, Chief of Police**
- 11. Property ~ Discuss, consider, and/or approve declaring radio equipment as surplus property and authorizing the City to donate to Matagorda County for their use. Dan Shook, Fire Marshal**

- 12. Property ~ Discuss, consider, and/or approve declaring a vehicle as surplus property and authorize the Police Department to auction the vehicle.** Robert Lister, Chief of Police
- 13. Property ~ Discuss, consider, and/or approve a declaration of unusable equipment, supplies, and materials as surplus and authorize staff to sell said surplus equipment, supplies, and materials through the use of an online auction or other means.** Barry Calhoun, Public Works Director
- 14. Ordinance ~ Discuss, consider, and/or approve an Ordinance adopting budget amendments for the quarter ending December 31, 2021.** Scotty Jones, Finance Director
- 15. Contract ~ Discuss, consider, and/or approve Work Order No. 6 to the standard contract agreement between the City of Bay City, Texas and Garver, LLC for professional engineering services in the amount of \$235,058,00 for the design, bid, and construction of the Mockingbird Water Plant Electrical Improvements Project budgeted in Fiscal Year 2022 Capital Improvements Plan.** Barry Calhoun, Public Works Director
- 16. Contract ~ Discuss, consider, and/or approve City of Bay City's authorization to issue Requests for Proposals for Administrative Services (RFP) and Requests for Qualifications (RFQ) for Engineering Services for the Regional Mitigation Program Council of Governments Method of Distribution (COG-MOD) Program administered through the Texas General Land Office.** Alyssa Dibbern, Engineering Tech
- 17. Funding ~ Discuss, consider, and/or approve City of Bay City's authorization to submit a Project Information Form (PIF) to request financial assistance from the Texas Water Development Board (TWDB) under eligible programs from the Drinking Water State Revolving Fund (DWSRG) for another cycle of Water Improvement Projects.** Barry Calhoun, Public Works Director
- 18. Funding ~ Discuss, consider, and/or approve City of Bay City's authorization to submit a Project Information Form (PIF) to request financial assistance from the Texas Water Development Board (TWDB) under eligible programs from the Clean Water State Revolving Fund (CWSRG) for another cycle of Wastewater Improvement Projects.** Barry Calhoun, Public Works Director
- 19. Report ~ Update on the 6th Annual Camofest financials.** Tina Israel, Main Street Manager
- 20. Report ~ Civic Center quarterly report and updates.** Mitch Thames, Bay City Chambers of Commerce and Agriculture
- 21. Report ~ Update and discussion regarding water leaks.** Barry Calhoun, Public Works Director

22. **Report ~ Discussion and update on asphalt zipper and additional equipment needed to perform road repairs.** Barry Calhoun, Public Works Director
23. **Facilities ~ Discuss and give staff direction regarding funding for window replacements at the Service Center and Hardeman Park Teen Center.** Shawna Burkhart, City Manager
24. **Tourism ~ Discuss, consider, and approve final etching design for Visit Bay City Sign.** Shawna Burkhart, City Manager

CLOSED / EXECUTIVE SESSION

25. **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: Mayor**
26. **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: Tourism 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, February 18, 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 • JANUARY 25, 2022

COUNCIL
CHAMBERS | 1901
5th Street

City Council Workshop

4:00 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 Council Workshop was called to order by Mayor Robert K. Nelson at 4:04 pm.

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

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL**1. Discussion regarding potential property sites for proposed Public Safety facility.**

Shawna Burkhart, City Manager, began the discussion stating that they had assessed the use of the CED Building on south 60 for public safety use which is currently leased out for 3 years. The City could purchase the whole building and renegotiate the leases. Public Safety will need 4.5 acres. Another option would be rebuild in current location which would require relocation of staff during construction. Councilwoman Brown stated that she is concerned with the south 60 location due to the school traffic and pedestrians. Ms. Burkhart added that the question is "where do we want to be?" Mayor Pro Tem Childers added that with growth on the east side we may use a sub-station. Ms. Burkhart asking do we go north east or stay central? Councilwoman Sitz suggested by Cherry Elementary. Ms. Burkhart also suggested between China One and Bay City Sea Food. Mayor Pro Tem Childers remarked on the past Dewberry feasibility study and that we may want to review and trim down. Mayor Nelson stated that we hope we grow in all directions and we should stay central. Councilman Westmoreland agreed with the Mayor. Current location was favored by majority of Council. Chief Lister adding that he is happy with that as long as he has space. Mayor Pro Tem Childers recommended the review of the Dewberry plan and a Town Hall meeting.

2. Discuss, consider, and/or approve the proposed projects to be funded by the American Rescue Plan.

Council asked that the Airport temporary water tank costs presented be brought back to discuss later as they did not have opportunity to review. Drainage items were

reviewed and Councilman Folse and Councilwoman Sitz asked to see cost of an open ditch at United Rentals. Scotty Jones, Finance Director, will look into funding allowable for roads and manholes. Park improvements were reviewed. Walking trails were discussed. Shawna Burkhart, City Manager, asked Council if they wish to remove the Airport water well from ARP funding. Mayor Nelson stated that he does not agree with removing the well from ARP funding and that the Airport is strategic to our growth. Scotty Jones discussed the IT items that were removed from the ARP funding list and alternative funding means. Mark Flash, IT Manager, discussed the new legislation regarding certain security camera from China being prohibited.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and the meeting adjourned at 5:32 pm.

PASSED AND APPROVED, this 22nd day of February 2022.

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY

CITY OF BAY CITY

MINUTES • JANUARY 25, 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 Bradley Westmoreland

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 Bradley Westmoreland

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. 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.

Tina Israel, Main Street Director, updated Council on the upcoming Camofest event scheduled for January 29th.

Jesse Ramirez, 301 Ave H, addressed Council as the voice representing 30 to 40 families who are being evicted by owner without legal process.

APPROVAL OF MINUTES**1. City Council Regular Meeting minutes of January 11, 2022**

Motion made by Mayor Pro Tem Childers to approve the minutes of January 11, 2022, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**2. Discussion ~ Discuss concerns regarding street conditions of Chapparral Drive.**
E M "Eddie" Douglas, Resident

Mr. Douglas was not present. No action.

3. Appointment ~ Discuss, consider, and approve the appointment of Erandi Allison to the Bay City Community Development Board. Robert. K. Nelson, Mayor

Jessica Russell, BCCDC Executive Director, presented Erandi Allison giving her full support to her appointment.

Motion made by Mayor Pro Tem Childers to approve the appointment of Erandi Allison to the Bay City Community Development Board, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

4. Resolution ~ Discuss, consider, and/or approve a resolution of the City of Bay City, Matagorda County, Texas, authorizing Professional Service(s) provider(s) selection for American Rescue Plan Act (ARP Act) program(s). Alyssa Dibbern, Engineering Tech

Scotty Jones. Finance Director, stated that thirteen firms were solicited and five responded. Ms. Jones recommended, based on scoring, Civil Corp, Mercer and Jones & Carter. Councilman Folse was concerned with Jones & Carter considering recent issues.

Motion made by Mayor Pro Tem Childers to approve Civil Corp, Mercer, and Jones & Carter as ARP selected Professional Service providers, Seconded by Councilwoman Sitz.

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

5. Policy ~ Discussion regarding vehicle procurement and policies. Scotty Jones, Finance Director

Scotty Jones, Finance Director, presented finance documentation regarding vehicle purchases, stating that the vehicle was approved a year ago and just delivered. Councilman Westmoreland stated that some vehicles in the fleet are quite nice and what is the best process to determine what is purchased and what is disposed, Mayor Nelson stated that each department makes the decisions on what they purchase. Barry Calhoun, Public Works Director, stated that when they prepare the Capital Improvement Plan they review equipment and vehicle needs and look at each department needs and funding. Some vehicles are transferred to other departments. The purpose of the vehicle was to be used for traveling for training by any employee. Councilman Westmoreland asked how frequently is it used and can we rent and was a luxury trim necessary. He has noticed other city vehicles that are high end and he wants to know the process and best practice. Mr. Calhoun added that they look at safety features and that they don't target high end. Councilman Westmoreland requested an ongoing conversation in the future and during budget discussions. Councilwoman Sitz stated that she is concerned with the perception with citizens and it does not reflect well on the city. Mayor Nelson stated that he wanted to point out that dealer will make offers on fleets.

6. Discuss, consider, and/or approve expanding the TIRZ #1 territory. DC Dunham, Sal Holdings

DC Dunham, Sal Holdings, presented the plans for expanding the TIRZ #1 territory to include Valor Park development. David Pettit stated that Council can not approve at this time until other steps have been completed, such as public notice and public hearing. The TIRZ expansion will be done by adopting an ordinance. Council took no action.

7. Agreement ~ Consider and take any action necessary to approve amendment to Tenaris Economic Development and Non-Annexation Agreement in the form of a letter agreement and authorize Mayor to sign same on behalf of the City. Scotty Jones, Finance Director

Motion made by Councilman Westmoreland to approve the amendment to Tenaris Economic Development and Non-Annexation Agreement, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

8. Agreement ~ Discuss, consider, and/or approve a Professional Service Agreement between David Pettit Development, LLC and the City of Bay City providing services relating to the creation of a Tax Increment Reinvestment Zone Number Four (TIRZ #4) . Shawna Burkhart, City Manager

Motion made by Councilman Folse to approve David Pettit Professional Service Agreement relating to the creation of a TIRZ #4, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 9. Agreement ~ Discuss, consider, and/or approve the Amalfi Ranch Public Improvement District (PID) Development agreement between Crescent Capital Investments, LLC and the City of Bay City, Texas.** Scotty Jones, Finance Director

David Pettit summarized the PID Development agreement and its overlay of TIRZ #4.

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

- 10. Resolution ~ Discuss, consider, and/or approve a resolution of the City of Bay City, Texas approving an addendum to Engagement Agreement with Bracewell LLP relating to Public Improvement Districts (Agenda Exhibit).** Scotty Jones, Finance Director

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

- 11. Report ~ Discuss, consider, and/or approve the City's Quarterly Investment Report for the quarter ending December 31, 2021.** Scotty Jones, Finance Director

Motion made by Councilwoman Brown to approve the Quarterly Investment Report, Seconded by Councilman Westmoreland. 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 convene into an executive session at 7:37 pm.

- 12. Pursuant to Texas Government Code 551.071(1) to consult with its attorney on attorney client matters.**
- 13. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).**

OPEN SESSION

Council reconvened the regular session at 8:22 pm. and took no actions on items 12 and 13.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilman Westmoreland stated that he had notice the work on the square and wanted to thank Public Works and Parks. Councilman Westmoreland also thanked who have worked on the TIRZ and PID.

Councilman Folse stated that parking issues around the Valor Park development for the ball fields needs discussion. Councilman Folse asked the City Manager to check on water leak on 4th and Nichols.

Councilwoman Brown stated that there still are no compact parking signs up. Councilwoman Brown asked the City Manager to check on leak at JP Davis and Whitson.

Councilman Westmoreland asked if we should look into combining and improving a sports complex and ball fields.

Councilwoman Sitz reminded Council of the Camofest this Saturday.

Mayor Nelson gave an update regarding railroads.

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 Council adjourned at 8:30 pm.

PASSED AND APPROVED, this 22nd day of February 2022.

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

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • JANUARY 27, 2022

COUNCIL
CHAMBERS | 1901
5th Street

City Council Special Called Meeting -TIRZ #2
Development

5:00 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 Council Special Called Meeting was called to order by Mayor Robert K. Nelson at 5:17 pm.

CERTIFICATION OF QUORUM

Quorum present.

PRESENT

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

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.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

1. Presentation and discussion of design standards for TIRZ #2 Bold Fox Development.

Alex Kamkar, Bold Fox Development, presented the design standards stating that the investors are lock and loaded. Mr. Kamkar added that he had a quality builder and they will create an HOA. There were discussions regarding the street widths, percentage of masonry used, curbs, lot sizes, design repetitions and local purchasing preferences.

CLOSED / EXECUTIVE SESSION

Council adjourned the special called meeting to convene into an executive session at 6:30 pm.

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

Minutes City Council Special Called Meeting -TIRZ #2 Development January 27, 2022

OPEN SESSION

Council reconvened the regular session at 7:44 pm. and took no actions on items 2.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and Council adjourned at 7:49 pm.

PASSED AND APPROVED, this 22nd day of February 2022.

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY

CITY OF BAY CITY

MINUTES • FEBRUARY 08, 2022

COUNCIL
CHAMBERS | 1901
5th Street

City Council Workshop - Personnel

4:00 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 Council Workshop was called to order by Mayor Robert K. Nelson at 4:03 pm.

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

ABSENT

Councilman Brad Westmoreland

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL

1. **Review and discussions regarding the City of Bay City Personnel Policy**
2. **Review and discussions regarding Merit Pay.**

Rhonda Clegg, Human Resources Director, reviewed the proposed merit pay and guidelines. Mayor Nelson asked if other cities do just merit and Ms. Clegg responded no, they include COLA. Mayor Pro Tem Childers agreed with the Mayor, it should be both merit and COLA, as long as we appraise our employees. Shawna Burkhart explained that COLA usually occurs October 1st and could effect some not receiving for two years based on anniversary date. Council asked about ratio during evaluations and Captain Christella Rodriguez explained the process with officers. Ms. Clegg reviewed the leave times and comparisons with other cities. Ms. Clegg stated that she would like to include certification and longevity pay. Councilwoman Brown requested more time to review the merit proposal. Shawna Burkhart replied that we can bring back to Council. Councilman Folse asked about longevity pay and how long would it take to figure out. Ms. Clegg responded it would be easy and just a parameter.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz. Motion carried and the meeting adjourned at 4:40 pm.

PASSED AND APPROVED, this 22nd day of February 2022.

ROBERT K. NELSON, MAYOR

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY

CITY OF BAY CITY

MINUTES • FEBRUARY 08, 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 6:01 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

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.

Councilwoman Becca Sitz

APPROVAL OF AGENDA

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

Jesse Ramirez, 301 Ave H, Van Vleck, presented council with lease termination letter from hotel to residents with grant rent relief for 12 to 15 month. Mr. Ramirez stated that the owner signed and not residents for grant, then evicted stating the the rent relief was cancelled. Tomorrow all will be evicted. Those residents felt like they had hope and now taken from them. They are requesting the evictions be placed on hold.

PUBLIC HEARING

- 1. A public hearing before the City Council to hear any and all persons desiring to be heard on or in connection with any matter or question involving the proposed annexation into the City of Bay City, Texas, tracts of land totaling approximately 280.35 acres of land.**

Jessica Russell, BCCDC Executive Director, spoke on behalf of annexation and thinks its wonderful and all entities support and moving so swiftly.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 2. Annexation ~ An Ordinance of the City Council of the City of Bay City, Texas, annexing 280.35 acres of land located on the north side of State Highway 35 along the south side of Old Van Vleck Road as further described herein, into the City's Municipal Boundaries.**

Anne Marie Odefey, City Attorney, review the annexation and service agreement. The Development Standards included changes requested from the workshop. LCRA tract is not included and still working on. Alex Kamkar with Bold Fox addressed Council regarding item 27 on the development standards. Councilman Westmoreland thanked Mr. Kamkar for agreeing to add item 27 to the standards. Mayor Nelson stated that the local realtors wanted to know if they will be included, Mr. Kamkar stated that the marketing program included local realtors.

Motion made by Councilwoman Sitz to approve the annexation of 280.35 acres of land located on the north side of State Highway 35 along the south side of Old Van Vleck Road, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

- 3. Streets ~ Discuss, consider, and/or approve the proposed parking plan and signs for downtown Bay City with implemented compact parking spaces.**

Alyssa Dibbern, Engineering Tech, reviewed the parking plan for downtown. Councilwoman Sitz asked Council to refer to the TxDOT agreement and angle parking. Councilwoman Sitz suggested in front of museum be parallel. Mayor Nelson stated stenciling the signs is best and asked if they can put a perpendicular line that shows where the space ends. Mayor Pro Tem Childers stated that it means nothing if we don't enforce. Project should be completed within a month.

Motion made by Councilman Folse to use stencil on compact car signs and to accept the plan with exceptions of parallel between 6th and 7th street on Hwy 60 and all parallel on North side of 35, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse,

Councilwoman Sitz, Councilman Westmoreland. Motion carried.

4. **Report ~ Discussion and direction regarding needs for drainage projects.** Barry Calhoun, Public Works Director. gave presentation of current drainage projects.
5. **Contract ~ Discuss, consider, and/or approve Work Order No. 7 to the standard contract agreement between the City of Bay City, Texas, and Garver LLC, for professional engineering services for the design, bid, and construction of a new water plant (SH35 East Water Plant Well No. 12) and provide technical support for the Bay City Regional Airport water well if necessary under the Texas Water Development Board SRF Projects.**

Barry Calhoun, Public Works Director, presented the contract to begin design of the east water plant, 2 acres across the road from the theater. Property was donated by Tenaris. There had been discussions about including airport well with ARP funds and Mr. Calhoun suggested that Garver do a technical review of the airport well, if we so chose do so, and was added to contract. Shawna Burkhart, City Manager, added that if we decide to use ARP funds, since we cant get TWDB funds, for the airport then we will have the technical review done. Engineering will take 6 to 8 months and construction a year. Councilman Folse is concerned if we don't do a well then why a tech review.

Motion made by Mayor Pro Tem Childers to approve Work Order No.7 with Garver, Seconded by Councilwoman Brown. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

6. **Contract ~ Discuss, consider, and/or approve the Civil Engineering and Surveying Service contract for the Hamman Road Drainage Improvement Project Phase 1b and Phase 2 combined henceforth renamed the Hamman Road Drainage Improvement Project Phase 1b Revised .**

Barry Calhoun, Public Works Director, gave brief summary.

Motion made by Councilman Folse to approve the Civil Engineering and Surveying Service contract, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

7. **Contract ~ Discuss, consider, and/or approve the Civil Engineering and Surveying Services Contract for the United Rentals Drainage Improvements.**

Barry Calhoun, Public Works Director, summarized and stated that it was similar to the Hamman Road situation. The contract is still under review by Grantworks. Mr. Calhoun also added that they will be assessing if ditch will work there instead of pipes.

Motion made by Mayor Pro Tem Childers to approve the Civil Engineering and Surveying Services Contract, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

8. **Ordinance ~ Discuss, consider, and/or approve an ordinance authorizing the issuance of the City of Bay City, Texas, Tax and Surplus Revenue Certificates of Obligation, Series 2022A (CWSRF); authorizing execution and delivery of a paying agent/registrar agreement and an escrow agreement relating to such certificates; prescribing the form and said certificates; levying a tax and pledging surplus revenues of the Water and Sewer System in payment thereof; and enacting other provisions relating thereto.**

Scotty Jones, Finance Director, presented the ordinance authorizing issue of certificates of obligations. Mayor Pro Tem Childers asked that we've done some loans consolidating and is that a possibility in the future- James Gilley, U.S. Capital Advisor, stated it may be possible.

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

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

9. **Ordinance ~ Discuss, consider, and/or approve an ordinance authorizing the issuance of the City of Bay City, Texas, Tax and Surplus Revenue Certificates of Obligation, Series 2022B (DWSRF); authorizing execution and delivery of a paying agent/registrar agreement and an escrow agreement relating to such certificates; prescribing the form and said certificates; levying a tax and pledging surplus revenues of the Water and Sewer System in payment thereof; and enacting other provisions relating thereto.**

Scotty Jones, Finance Director, presented the ordinance authorizing issue of certificates of obligations.

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

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

- 10. Ordinance ~ An Ordinance of the City Council of the City of Bay City, Texas, ordering a regular municipal election to be held on the 7th day of May 2022; designating the place and manner holding the election; providing for the posting and publication of notice; providing a savings clause; providing an open meetings clause; and providing an effective date.**

Jeanna Thompson, City Secretary, presented the ordinance calling for the election adding that the County will be doing a joint election with the city due to a State constitution election ordered on the same day.

Motion made by Mayor Pro Tem Childers to approve the ordinance, Seconded by Councilwoman Brown.

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

- 11. Agreement ~ Discuss, consider, and/or approve an agreement with Texas Transportation Commission to provide the funding toward the State's cost of design, construct, and erection of markers regarding the D.R. "Tom" Uher Memorial Highway.** Shawna Burkhart, City Manager

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

- 12. Budget ~ Discuss, consider, and/or approve funding for participation of re-scoping of the Natatorium project.**

Shawna Burkhart, City Manager, stated that city, county, and BCISD met regarding funding the natatorium, they want each entity to pay \$5000 towards cost of rescoping on the downsize and phased of the proposed project. Ms. Burkhart stated that as far as she knows is no one has yet committed. Councilman Folse stated the if we do, then it should be contingent on if the other two participate.

Motion made by Councilwoman Brown to approve the funding contingent on the other entities provide funding, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilman Westmoreland commented on the job well done on Camofest. Councilman Westmoreland requested Ms. Burkhart to check on water leak between Nancy, 4th and 5th streets. He also asked about the 16th street pool and what is going to happen.

Councilman Folse asked Ms. Burkhart for an update on the water leak at 4th and Nichols and the zipper use.

Mayor Pro Tem Childers asked if there were any damages reported from the freeze, and Ms. Burkhart stated that there were not.

Councilwoman Brown asked Ms. Burkhart for an update on the leak at Whitson and JP Davis.

Councilwoman Sitz stated that a citizen asked about noise free trains and loud cars.

Mayor Nelson gave an update regarding railroads.

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 7:32 pm.

PASSED AND APPROVED, this 22nd day of February 2022.

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

JEANNA THOMPSON
CITY SECRETARY

PUBLIC HEARING NOTICE**NOTICE OF PUBLIC HEARING OF THE CITY COUNCIL OF THE CITY OF BAY CITY TO CONSIDER AMENDING TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, CITY OF BAY CITY, TEXAS, TO EXPAND THE BOUNDARIES**

NOTICE IS HEREBY GIVEN THAT the City Council of Bay City, Texas (the “City”), pursuant to Chapter 311.003 Texas Tax Code, as amended, (the “Act”), will hold a public hearing at 6:00 p.m. on Tuesday, February 22, 2022, at City Hall, 1901 Fifth Street, Bay City, TX 77414, for the purpose of considering the expansion of the boundaries of Tax Increment Reinvestment Zone Number One, City of Bay City, Texas.

The public hearing is being held in accordance with the Tax Increment Financing Act, Chapter 311 of the Texas Tax Code (the “Act”). Section 311.011(e) of the Act requires that if an amendment reduces or expands the geographic area of the zone, increases the amount of bonded indebtedness to be incurred, increases or decreases the percentage of a tax increment to be contributed by a taxing unit, increases the total estimated project costs, or designates additional property in the zone to be acquired by the municipality, a public hearing must be held before approval of the amendment by the City Council.

All interested persons and property owners within and outside the TIRZ will be given the opportunity to appear and be heard at such public hearing. Written or oral statements will be considered. The proposed expanded boundaries consist of approximately 56.175 acres located north of 16th Street, west of Nichols Avenue, east of Avenue M, and south of Del Monte Avenue. A more detailed legal description and boundary map of the proposed expanded Tax Increment Reinvestment Zone Number One, City of Bay City, Texas, are on file and open for public inspection in the office of the City Secretary at the address stated above. Questions or requests for additional information may be directed to David Pettit, David Pettit Economic Development, LLC, dpettit@dpedllc.com; 817-439-9515.

ORDINANCE _____

AN ORDINANCE OF THE CITY COUNCIL OF BAY CITY, TEXAS, AMENDING ORDINANCE NO. 1567 CONCERNING TAX INCREMENT REINVESTMENT ZONE NUMBER ONE, BAY CITY, TEXAS, ESTABLISHED PURSUANT TO CHAPTER 311 OF THE TEXAS TAX CODE, BY EXPANDING THE BOUNDARY OF TAX INCREMENT FINANCING REINVESTMENT ZONE NUMBER ONE, BAY CITY, TEXAS

WHEREAS, Bay City, Texas (the “City”), pursuant to Chapter 311 of the Texas Tax Code, as amended (the “Act”), may designate a geographic area within the City as a tax increment reinvestment zone if the area satisfies the requirements of the Act; and

WHEREAS, the Act provides that the governing body of a municipality by ordinance may designate a contiguous or noncontiguous geographic area that is in the corporate limits of the municipality, in the extraterritorial jurisdiction of the municipality, or in both, to be a reinvestment zone if the governing body determines that development or redevelopment would not occur solely through private investment in the reasonably foreseeable future; and

WHEREAS, the City Council desires to promote the development of a certain contiguous geographic area in the City, which is more specifically described in *Exhibits "A" and "B"* of this Ordinance (the "Zone"), through the expansion of the boundary of a reinvestment zone as authorized by and in accordance with the Tax Increment Financing Act, codified at Chapter 311 of the Texas Tax Code; and

WHEREAS, on November 19, 2015, the City Council of Bay City, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 1556 designating a contiguous geographic area within the City as a Reinvestment Zone Number One, Bay City, Texas (the “Original Boundaries”); and

WHEREAS, pursuant to Ordinance No. 1567, the City amended Ordinance No. 1556 to extend the time to appoint the Board of Directors; and

WHEREAS, on January 26, 2017, the City Council of Bay City, Texas, pursuant to Chapter 311 of the Texas Tax Code, approved Ordinance No. 1588 approving the Project and Financing Plan for Reinvestment Zone Number One, Bay City, Texas which details the project costs eligible for reimbursement; and

WHEREAS, the City Council of the City of Bay City, Texas, now desires to amend Reinvestment Zone Number One, Bay City, Texas, to expand the boundaries of the Zone (“TIRZ 1A”); and

WHEREAS, upon approval of this Ordinance, Reinvestment Zone Number One, Bay City, Texas, will consist of contiguous and non-contiguous land, as described and depicted in *Exhibits “A” and “B”* of this Ordinance, a copy of which is attached hereto and is incorporated herein for all purposes; and

WHEREAS, Section 311.011(e) of the Texas Tax Code, in pertinent part provides, “[I]f an amendment reduces or increases the geographic area of the zone, increases the amount of bonded indebtedness to be incurred, increases or decreases the percentage of a tax increment to be contributed by a taxing unit, increases the total estimated project costs, or designates additional property in the zone to be acquired by the municipality or county, the approval must be by ordinance or order, as applicable, adopted after a public hearing that satisfies the procedural requirements of Sections 311.003(c) and (d);” and

WHEREAS, pursuant to and as required by the Act, the City has prepared a *Preliminary Amended Project Plan and Financing Plan for Reinvestment Zone Number One, Bay City, Texas* attached as *Exhibit “C”* (hereinafter referred to as the “Preliminary Amended Project and Finance Plan”) for the proposed expanded tax increment reinvestment zone containing the real property within the Zone; and

WHEREAS, notice of the public hearing on the expansion of the proposed zone was published in a newspaper having general circulation in the City on February 13, 2022, which date is before the seventh (7th) day before the public hearing held on February 22, 2022; and

WHEREAS, at the public hearing on February 22, 2022, interested persons were allowed to speak for or against the expansion of the boundaries, and the concept of tax increment financing, and owners of property in the proposed Zone were given a reasonable opportunity to protest the inclusion of their property in the Zone; the public hearing was held in full accordance with Section 311.003(c) of the Act; and

WHEREAS, evidence was received and presented at the public hearing on February 22, 2022, and in favor of the amendment of the Zone; and

WHEREAS, after all comments and evidence, both written and oral, were received by the City Council, the public hearing was closed on February 22, 2022; and

WHEREAS, the City has taken all actions required to amend the Zone including, but not limited to, all actions required by the home-rule Charter of the City, the

Act, the Texas Open Meetings Act (defined herein), and all other laws applicable to the creation of the Zone; and

WHEREAS, the percentage of the property in the proposed zone, excluding property that is public owned, that is used for residential purposes is less than thirty percent; and

WHEREAS, a Preliminary Amended Project and Finance plan has been prepared for the reinvestment zone.

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

SECTION 1. RECITALS INCORPORATED.

The facts and recitations contained in the preamble of this Ordinance are hereby found and declared to be true and correct.

SECTION 2. FINDINGS.

That the City Council, after conducting the above described hearing and having heard the evidence and testimony presented at the hearing, has made the following findings and determined based on the evidence and testimony presented to it:

- (a) That the public hearing on the expansion of the boundaries has been properly called, held, and conducted and that notice of such hearing has been published as required by law; and
- (b) That the reinvestment zone with boundaries as described and depicted in *Exhibits "A" and "B"* will result in benefits to the City, its residents and property owners, in general, and to the property, residents, and property owners in the reinvestment zone; and
- (c) That the reinvestment zone, as defined in *Exhibits "A" and "B"*, meets the criteria for the creation of a reinvestment zone set forth in the Act in that:
 - 1. It is a contiguous or noncontiguous geographic area that is in the corporate limits of the municipality, in the extraterritorial jurisdiction of the municipality, or in both; and
 - 2. That the City Council further finds and declares that the proposed zone meets the criteria and requirements of Section 311.005 of the Texas Tax Code because the proposed zone is predominantly open and, because of obsolete platting, deterioration of structures or site improvements, or other factors, substantially impair or arrest the sound growth of the City or county.

- (d) That 30 percent or less of the property in the proposed reinvestment zone, excluding property dedicated to public use, is currently used for residential purposes; and
- (e) That the total appraised value of all taxable real property in the proposed reinvestment zone according to the most recent appraisal rolls of the City, together with the total appraised value of taxable real property in all other existing reinvestment zones within the City, according to the most recent appraisal rolls of the City, does not exceed 50 percent of the current total appraised value of taxable real property in the City and in the industrial districts created by the City, if any; and
- (f) That the improvements in the proposed reinvestment zone will significantly enhance the value of all taxable real property in the proposed reinvestment zone and will be of general benefit to the City or county; and
- (g) That the development or redevelopment of the property in the proposed reinvestment zone will not occur solely through private investment in the reasonable foreseeable future.

SECTION 3. DURATION OF THE ZONE.

That the expanded Zone shall take effect immediately upon the passage and approval of this Ordinance, consistent with Section 311.004(a)(3) of the Act, and termination of the Zone, to include the Original Boundaries and the subsequent expansion, TIRZ 1A, shall occur upon any of the following: (i) on December 31, 2046; (ii) at an earlier time designated by subsequent ordinance; (iii) at such time, subsequent to the issuance of tax increment bonds, if any, that all project costs, tax increment bonds, notes and other obligations of the Zone, and the interest thereon, have been paid in full, in accordance with Section 311.017 of the Act.

SECTION 4. TAX INCREMENT BASE AND TAX INCREMENT

That the Tax Increment Base for the Original Boundaries of the TIRZ is the total taxable value of all real property taxable by the City and located in the TIRZ, determined as of January 1, 2015, the year in which both the Original Boundaries were designated. That the Tax Increment Base for the boundaries expanded in 2022, TIRZ 1A, is the total taxable value of all real property taxable by the City and located in the TIRZ, determined as of January 1, 2022, the year in which TIRZ 1A was designated.

For the Original Boundaries and TIRZ 1A the TIF Fund shall consist of (i) the percentage of the tax increment, as defined by Section 311.012(a) of the Texas Tax Code, that each taxing unit which levies real property taxes in the Zone, other than the City, has elected to dedicate to the TIF Fund under an agreement with the City authorized by Section 311.013(f) of the Texas Tax Code, and (ii) one hundred percent (100%) of the City's tax increment, as defined by section 311.012(a) of the Texas Tax Code, subject to any binding agreement executed at any time by the City that pledges a portion of such tax increment or

an amount of other legally available funds whose calculation is based on receipt of any portion of such tax increment.

SECTION 5. SEVERABILITY CLAUSE.

Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 6. OPEN MEETINGS.

It is hereby found, determined, and declared that sufficient written notice of the date, hour, place and subject of the meeting of the City Council at which this Ordinance was adopted was posted at a place convenient and readily accessible at all times to the general public at the City Hall of the City for the time required by law preceding its meeting, as required by Chapter 551 of the Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Ordinance and the subject matter hereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon its adoption and publication in accordance with and as provided by law and the City Charter.

PASSED AND APPROVED ON this _____ day of February 2022.

BAY CITY

Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson
City Secretary

APPROVED AS TO FORM:**APPROVED AS TO CONTENT:**

 Anne Marie Odefey
 City Attorney

 Shawna Burkhart
 City Manager

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

EXHIBIT A

Legal Description TIRZ #1, Original Boundary

Beginning at the point of intersection of the western Right-of-Way (ROW) line of Avenue E and the southern ROW line of 5th Street, thence

North along the western ROW line of Avenue E to a point where said line intersects with the northern ROW line of 11th Avenue, thence

East along the northern ROW line of 11th Avenue to a point where said line intersects with the eastern ROW line of Avenue M, thence

South along the eastern ROW line Avenue M to a point where said line intersects with the southern ROW line of 5th Street, thence

West along the southern ROW line of 5th Street to a point where said line intersects with the western ROW line of Avenue E, which is the point of beginning.

Legal Description TIRZ #1A, Expanded Boundary

BEING a 54.441-acre tract of land in the I&GNRR Co. Survey 4, Block 4, Abstract 268 in Matagorda County, Texas and said tract being comprised of {1) a portion of that called 18.325-acre tract conveyed by the Board of Trustees of the Bay City Independent School District to SAL Holdings, LLC by deed recorded as Document No. 2021-7649 of the Matagorda County Official Records, {2) all of that called 33.85-acre tract of land conveyed to SAL Holdings, LLC by deed recorded as Document No. 2020-974 of the Matagorda County Official Records and {3) all of that called 4.0-acre tract conveyed to SAL Holdings, LLC by deed recorded as Document No. 2019-3959 of the Matagorda County Official Records and this 54.441-acre tract being more particularly described by metes and bounds as follows;

BEGINNING at a found ½-inch iron rod in the north right-of-way line of Carey Smith Boulevard (formally Skelly Road) a public street right-of-way having a width of 60-feet, more or less, said iron rod having Texas State Plane South Central Zone Coordinates of North 13557143.251 and East 2940307.688, and said iron rod marking the southwest corner of the aforementioned called 33.85-acre tract and the southeast corner of the aforementioned called 18.325-acre tract and said iron rod being located North 3° 16' 56" West a distance of 59.79-feet and North 86° 43' 04" East a distance of 37.35-feet from a found 1-inch iron rod marking the intersection of the south right-of-way line of Carey Smith Boulevard with the west right-of-way line of Live Oak Avenue, a 60-foot wide public street right-of-way;

THENCE South 86° 43' 04" West (called West in Document No. 2021-7649) with the south line of the aforementioned called 18.325-acre tract and with the north right-of-way line of Carey Smith Boulevard for a distance of 710.38-feet to a found spindle in

the pavement at the intersection of said north right-of-way line with the east right-of-way line of Avenue M, a public street right-of-way of varying width, for the southwest corner of the herein described tract;

THENCE North 3° 15' 55" West with the east right-of-way line of Avenue M and the west line of the herein described tract for a distance of 1,020.17-feet to a found 5/8-inch iron rod with cap marked "G&W ENG." marking the northwest corner of the herein described tract and the approximate southwest corner of the Robert V. Bell Rentals called 1.42-acre tract;

THENCE North 86° 52' 03" East {called East in Document No. 2021-7649) with the south line of said 1.42- acre tract, at a distance of 585.15-feet, more or less, pass the southeast corner of said 1.42-acre tract, same being the most southerly southwest corner of the William M. Bell called 1.419-acre tract as described in deed recorded at Volume 629, Page 210 of the Matagorda County Deed Records; at a distance of 659.15- feet, more or less, pass the southeast corner of said 1.419-acre tract, same being the southwest corner of a 20-foot by 20-foot City of Bay City lift station site, at a distance of 679.15-feet pass a point for the southeast corner of said Lift Station site, same being the southwest corner of a 30-foot wide public street right-of- way and continuing for a total distance of 709.15-feet to a found 5/8-inch iron rod with cap marked "G&W ENG." in the west line of the aforementioned 33.85-acre tract that marks the southeast corner of said 30- foot wide street right-of-way and the northeast corner of the aforementioned called 18.325-acre tract for an interior corner of the herein described tract;

THENCE North 3° 20' 05" West with the east line of said 30-foot wide street right-of-way and the west line of the aforementioned called 33.85-acre tract to a found 1/2-inch iron rod marking the northwest corner of said called 33.85-acre tract;

THENCE North 73° 53' 12" East {called N 75° 20' 42" E in Document No. 2020-974) at a distance of 40.8-feet, more or less, pass the southwest corner of Lot 21, Block 1 of the Del Norte Subdivision, Section 1 to the City of Bay City as shown on plat recorded at Volume 4, Page 3 of the Matagorda County Plat Records, same being a point in the east line of the 70-foot wide Live Oak Avenue right-of-way and continuing with the south line of Lots 21-20, Block 1 of said subdivision and with the north line of the aforementioned called 33.85-acre tract for a total distance of 206.91-feet (called 206.84-feet in Document No. 2020-974) to a found 1/2-inch iron rod at an angle point;

THENCE with the north line of the aforementioned called 33.85-acre tract and the south line of Lots 20-18, Block 1 of said Del Norte Subdivision North 74° 01' 52" East for a distance of 111.33-feet (called N 75° 33' 37" E, 111.60-feet in Document No. 2020-974) to a found 1/2-inch iron rod at an angle point;

THENCE continuing with the north line of the aforementioned 33.85-acre tract and with the south line of Lots 18-17 of said subdivision North 73° 10' 49" East for a distance of 106.15-feet (called N 74° 37' 21" E, 105.80-feet in Document No. 2020-974) to a found 1/2-inch iron rod for an angle point;

THENCE continuing with the north line of the aforementioned called 33.85-acre tract and the south line of Lots 17-14 of said Del Norte Subdivision North 72° 34' 17" East for a distance of 298.58-feet (called N 74° 07' 26" E, 298.70-feet in Document No. 2020-974) to a found ½-inch iron rod for an angle point;

THENCE continuing with the north line of the aforementioned called 33.85-acre tract and with the south line of Lots 14-12 of said Del Norte Subdivision North 72° 50' 52" East for a distance of 124.94-feet (called N 74° 10' 26" E, 125.00-feet in Document No. 2020-974) to a found ½-inch iron rod at an angle point;

THENCE continuing with the north line of the aforementioned called 33.85-acre tract and with the south line of lots 12-11 of said Del Norte Subdivision North 74° 59' 32" East for a distance of 83.94-feet (called N 76° 42' 21" E, 84.20-feet in Document No. 2020-974) to a found ½-inch iron rod at an angle point;

THENCE continuing with the north line of the aforementioned called 33.85-acre tract and with the south line of Lots 11-9 of said Del Norte Subdivision North 76° 29' 53" East for a distance of 183.73-feet (called N 78° 01' 21" E, 183.45-feet in Document No. 2020-974) to a found ½-inch iron rod for the northeast corner of said 33.85-acre tract and the most northerly northeast corner of the herein described tract;

THENCE with the east line of the aforementioned called 33.85-acre tract and the west line of the Michael K. and Leslie K. Kohnen called 3.415-acre tract as described in deed recorded at Volume 533, Page 406 of the Official Records of Matagorda County and the west line of the Irving M. Chase and Margaret O. Chase called 3.917-acre tract as described in deed recorded at Document No. 2019-6786 of the Official Records of Matagorda County, South 3° 13' 47" East (called S 1° 50' 00" E, in Document No. 2020-974) at a distance of 193.70-feet, more or less, pass the common westerly corner of said Kohnen tract and said Chase tract and continuing for a total distance of 372.20-feet to a found ½-inch iron rod in the east line of the aforementioned 33.85-acre tract that marks the northwest corner of that SAL Holdings, LLC called 4.00-acre tract as described in Document No. 2019-3959 of the Matagorda County Official Records;

THENCE with the common line between the said Chase called 3.917-acre tract and said SAL Holdings, LLC called 4.00-acre tract North 86° 48' 17" East for a distance of 781.45-feet to a found 5/8" iron rod with cap marked "G&W Eng." in the curved west right-of-way line of Nichols Avenue, a 60-foot wide public street right-of-way, that marks the northeast corner of said called 4.00-acre tract;

THENCE in a southerly direction with said curve to the right which has a radius of 1402.25-feet, a delta angle of 6° 53' 38", a chord of 168.62-feet which bears South 6° 27' 34" East for a total course and arc length of 168.72-feet to a found 5/8-inch iron rod with cap marked "G&W Eng.";

THENCE continuing with the west right-of-way line of Nichols Avenue South 3° 14' 12" East for a distance of 52.85-feet to a found ½-inch iron rod that marks the southeast

corner of the aforementioned called 4.00- acre tract, said iron rod also marking the northeast corner of the Church of the Living Water Ministry, Inc. called 4.4093-acre tract as described in Volume 51, Page 747 of the Official Records of Matagorda County;

THENCE with the common line between said called 4.4093-acre tract and the aforementioned called 4.00- acre tract South $86^{\circ} 46' 25''$ West for a distance of 790.91-feet to a found $\frac{1}{2}$ -inch iron rod in the east line of the aforementioned called 33.85-acre tract that marks the common westerly corner of said called 4.4093- acre tract and said called 4.00-acre tract;

THENCE in a southerly direction with the common line between the aforementioned called 33.85-acre tract and the aforementioned called 4.4093-acre tract and with the common line between said 33.85-acre tract and the Lane H. Hollister, et ux called 60-foot by 720-foot Tract Two as recorded in deed recorded at Volume 601, Page 120 of the Matagorda County Official Records, South $3^{\circ} 26' 22''$ East (called S $51^{\circ} 50' 00''$ E in Document No. 2020-974) for a distance of 1020.37-feet to a found $\frac{1}{2}$ -inch iron rod in the north right-of- way line of Carey Smith Boulevard (formerly Skelly Road) for the most southerly southeast corner of the herein described tract;

THENCE South $86^{\circ} 39' 40''$ West with said north right-of-way line for a distance of 30.00-feet to a $\frac{5}{8}$ -inch iron rod with cap marked "John D. Mercer RPLS 1924" set for a corner of the herein described tract, same being the southeast corner of the Church of Jesus Christ of Latter Day Saints called 2.50-acre tract as described at Volume 429, Page 164 of the Official Records of Matagorda County;

THENCE with the east line of said called 2.50-acre tract North $3^{\circ} 25' 17''$ West for a distance of 395.66-feet to a found $\frac{1}{2}$ -inch iron rod marking the northeast corner of said called 2.50-acre tract and an interior corner of the herein described tract;

THENCE with the north line of the aforementioned called 2.50-acre tract South $86^{\circ} 37' 25''$ West for a distance of 272.78-feet to a found $\frac{1}{2}$ -inch iron rod marking the northwest corner of said called 2.50-acre tract and an interior corner of the herein described tract;

THENCE in a southerly direction with the west line of the aforementioned called 2.50-acre tract South $3^{\circ} 32' 40''$ East for a distance of 177.46-feet to a found $\frac{1}{2}$ -inch iron rod marking the northeast corner of the Church of God of Prophecy called 1.00-acre tract as described in Volume 485, Page 338 of the Official Records of Matagorda County;

THENCE in a westerly direction with the north line of said called 1.00-acre tract South $86^{\circ} 41' 40''$ West for a distance of 200.07-feet to a found $\frac{1}{2}$ -inch iron rod marking the northwest corner of said called 1.00-acre tract;

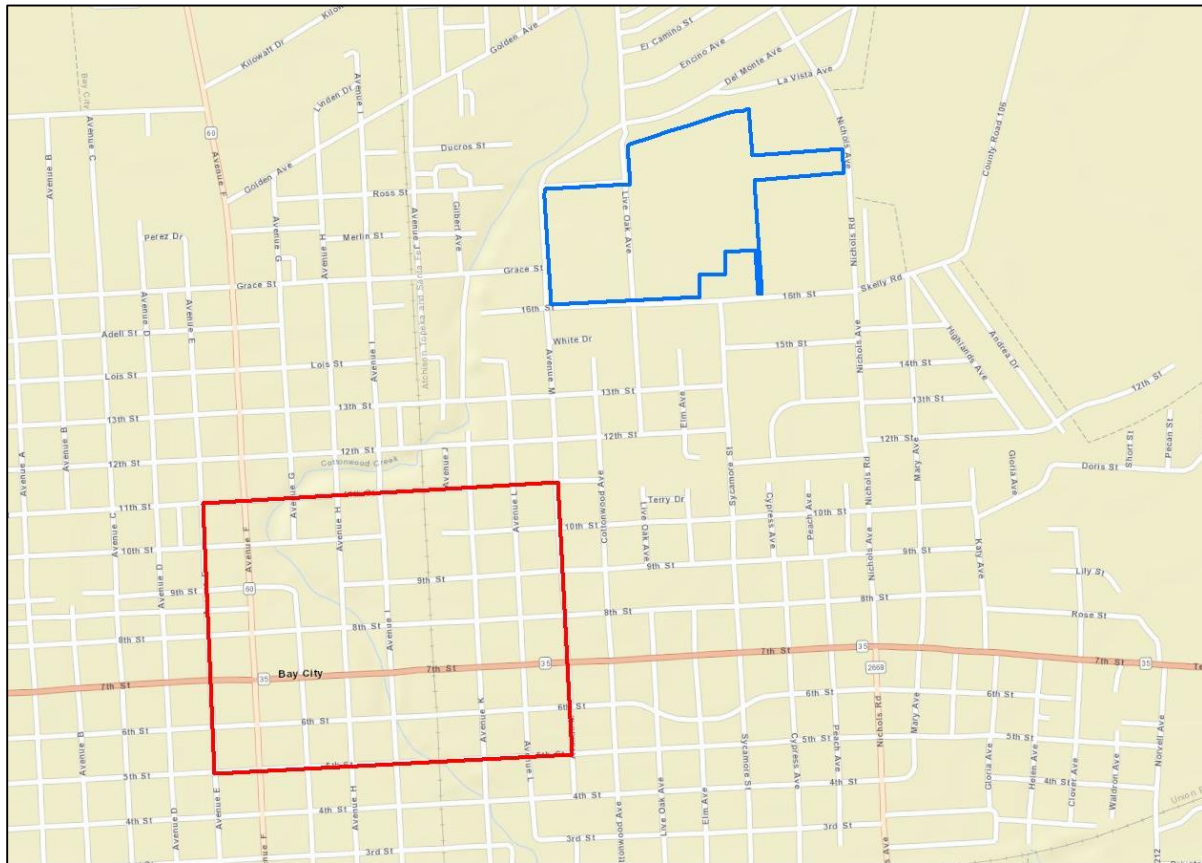
THENCE in a southerly direction with the west line of said called 1.00-acre tract South $3^{\circ} 15' 58''$ East for a distance of 218.02-feet to a found $\frac{1}{2}$ -inch iron rod in the north

right-of-way line of Carey Smith Boulevard (formerly Skelly Road) marking the southwest corner of said called 1.00-acre tract;

THENCE in a westerly direction with the north right-of-way line of Carey Smith Boulevard South 86° 39' 06" West for a distance of 585.37-feet to the POINT OF BEGINNING, continuing in area 54.441-acres of land, more or less.

Bearings herein called are based on the Texas State Plane Coordinate System South Central Zone, NAD83.

EXHIBIT B BOUNDARY MAP



- TIRZ #1 Boundary
- TIRZ #1A Boundary

EXHIBIT C
PRELIMINARY PROJECT PLAN AND FINANCE PLAN

**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 Recyclables.

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.

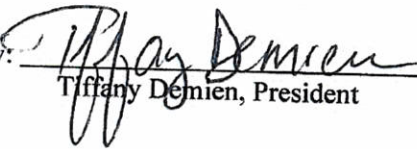
SECTION 22. ATTORNEYS' FEES.

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.

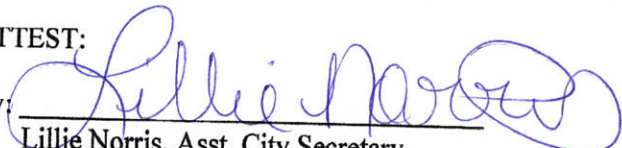
DOLIVER ENTERPRISES, LLC
 DBA HHW SOLUTIONS

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 34 “EMERGENCY SERVICES”; ARTICLE II (“AMBULANCE SERVICES”); ADDING TO SECTION 34-19 DEFINITIONS AND 34-20 AUTHORITY TO OPERATE; EXCEPTIONS; 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 34; Article II of the Code of Ordinances.

Section One. The following additions are to be made to Chapter 34, Article II of the Code of Ordinances. All additions are shown as such.

Sec. 34-19. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambulance means any motor vehicle that is specially designed or constructed and equipped or used for the transportation of patients, excluding a helicopter, aircraft or wheelchair van.

Ambulance service contractor means that entity which is currently under contract with the county and which the city agrees to allow to be the exclusive provider of [emergency](#) ambulance services within its regulated service area, pursuant to the interlocal agreement to provide ambulance services in the area covered by the interlocal agreement.

[Ambulatory care service](#) means a non-emergent medical service performed on an outpatient basis.

Person means any individual, firm, partnership, association, corporation, governmental entity, or other group or combination acting as a unit.

Sec. 34-20. Authority to operate; exceptions.

- (a) No person shall operate or cause to be operated a motor vehicle for ambulance purposes nor furnish, conduct, maintain, advertise or otherwise be engaged in the business or service of the transportation of ambulance patients within the regulated service area unless such person is the ambulance service contractor [or an ambulatory care service](#) as defined in section 34-19. No person shall knowingly solicit ambulance services regulated herein except from the ambulance service contractor.

- (b) This article shall not apply to any ambulance or ambulance service provider which is:
- (1) Rendering assistance to patients in the case of a major catastrophe or emergency in which the contractor's ambulances are insufficient or unable to handle;
 - (2) Transporting a patient who is picked up from a location beyond the regulated service area and transported to a location within the regulated service;
 - (3) Transporting a patient who is picked up from a location beyond the regulated service area and transported to a location beyond the limits of the regulated service area and is only incidentally passing through the regulated service area;
 - (4) Transporting a patient who is picked up from a location within the regulated service area and transported to a location beyond the regulated service area, providing said ambulance or ambulance service initially transported said patient in the regulated service area and is making the return trip; or
 - (5) Transporting a patient who is picked up from a location within the regulated service area and transported by a non-emergent EMS Company operating as a BLS Non-911.
- (5 6) Providing stand-by special events coverage without receiving compensation

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 _____, 2022.

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

Council Member:**Voted Aye****Voted No****Absent**

Robert K. Nelson
 Mayor

Floyce Brown

James Folse

Bradley Westmoreland

Becca Sitz

Jason Childers,
 Mayor Pro Tem



Integrity Alliance LLC
1506 N Alabama Rd Suite I
Wharton, Texas 77488
979-314-9900(P) 979-314-9595(F)
service@integrityalliancellc.com

01/25/2022

Re: Letter of Approval

City of Bay City
1901 Fifth Street
Bay City, Texas 77414

To Whom It May Concern:

We are seeking a letter of approval per Texas Health and Safety Code 773.0573 to be able to pick up patients with our private Non-Emergent EMS Company in the City of Bay City. Our company will only be operating as a BLS Non-911 company helping facilitate the needs of patients who require stretcher transport to dialysis, wound care and doctor's appointments.

We look forward to working alongside the city to help meet the needs of the community.

If you are willing to write us a letter of approval, the state requires (on official letterhead), that your letter of approval addresses these 3 items:

1. The addition of our EMS Company will not interfere or adversely affect the provision of EMS services by licensed EMS providers operating in the municipality or county.
2. The addition of our EMS Company will remedy an existing provider shortage that cannot be resolved through the licensed EMS providers already operating in the municipality or county; and
3. The addition of our EMS service will not cause an oversupply of licenses EMS service providers in the municipality or county.

We thank you for your time and consideration and look forward to hearing back from you so that we can help serve and support the Bay City community.

Sincerely,

Jason Wendel

5A. Approval from Local Governmental Entity

5A.1 Letter from each Municipality and/or County in which you plan to provide emergency medical service.

5A.2 This letter should be on official letterhead from the respective entity.

5A.3 Please insure your letter addresses each item in Section 773.0573(b)(1 thru 3).

Texas Health and Safety Code

Sec. 773.0573. Letter of Approval From Local Governmental Entity.

(a) An emergency medical services provider applicant must obtain a letter of approval from:

(1) the governing body of the municipality in which the applicant is located and is applying to provide emergency medical services; or

(2) if the applicant is not located in a municipality, the commissioners court of the county in which the applicant is located and is applying to provide emergency medical services.

(b) A governing body of a municipality or a commissioners court of a county may issue a letter of approval to an emergency medical services provider applicant who is applying to provide emergency medical services in the municipality or county only if the governing body or commissioners court determines that:

(1) the addition of another licensed emergency medical services provider will not interfere with or adversely affect the provision of emergency medical services by the licensed emergency medical services providers operating in the municipality or county;

(2) the addition of another licensed emergency medical services provider will remedy an existing provider shortage that cannot be resolved through the use of the licensed emergency medical services

providers operating in the municipality or county; and

(3) the addition of another licensed emergency medical services provider will not cause an oversupply of licensed emergency medical services providers in the municipality or county.

(c) An emergency medical services provider is prohibited from expanding operations to or stationing any emergency medical services vehicles in a municipality or county other than the municipality or county from which the provider obtained the letter of approval under this section until after the second anniversary of the date the provider's initial license was issued, unless the expansion or stationing occurs in connection with:

(1) a contract awarded by another municipality or county for the provision of emergency medical services;

(2) an emergency response made in connection with an existing mutual aid agreement; or

(3) an activation of a statewide emergency or disaster response by the department.

(d) This section does not apply to:

(1) renewal of an emergency medical services provider license; or

(2) a municipality, county, emergency services district, hospital, or emergency medical services volunteer provider organization in this state that applies for an emergency medical services provider license.



EDWARD COOK, BAY CITY, TEXAS
COMMISSIONER, PRECINCT NO. 1

KENT POLLARD, MATAGORDA, TEXAS
COMMISSIONER, PRECINCT NO. 2

TROY SHIMEK, PALACIOS, TEXAS
COMMISSIONER PRECINCT NO. 3

NATE MC DONALD
COUNTY JUDGE

CHARLES FRICK, EL MATON, TEXAS
COMMISSIONER, PRECINCT NO. 4

**MATAGORDA COUNTY
BAY CITY, TEXAS**

January 10, 2022

Jason Wendel
Integrity Alliance LLC
933 Clubside Drive, Suite A
East Bernard, Texas 77435

Re: Approval of Non-Emergent EMS Services in Matagorda County under Texas Health and Safety Code Section 773.0573

Dear Mr. Wendel:

The Matagorda County Commissioners Court met during regular session today, on January 10, 2022. Under the Texas Health and Safety Code Section 773.0573, the Commissioners Court has approved Integrity Alliance, LLC to operate a private Non-Emergent EMS Company in Matagorda County.

By providing these services in Matagorda County, the following is approved:

1. The addition of Integrity Alliance LLC will not interfere or adversely affect the provision of EMS services by licensed EMS providers operating in Matagorda County;
2. The addition of Integrity Alliance LLC will remedy an existing provider shortage that cannot be resolved through the licensed EMS providers already operating in Matagorda County; and,
3. The addition of Integrity Alliance LLC service will not cause an oversupply of licensed EMS service providers in Matagorda County.

Please let the Court know if you should have any additional questions or requests.

Sincerely,

Nate McDonald
County Judge
Matagorda County

EMS INTERLOCAL AGREEMENT BETWEEN MATAGORDA COUNTY AND CITY OF BAY CITY

Agreement is entered into by and between the City of Bay City, Texas, hereinafter referred to as "CITY," a municipal corporation located in Matagorda County, Texas, with the authorization of its governing body, and Matagorda County, Texas, hereinafter referred to as "COUNTY," a political subdivision of the State of Texas with the authorization of its governing body.

WITNESSETH:

WHEREAS, CITY and COUNTY are authorized to enter into this Interlocal Agreement pursuant to Tex. Gov't. Code Ann., Section 791.001 *et seq.*, also known as the Interlocal Cooperation Act; and

WHEREAS, CITY and COUNTY may each provide governmental services for the public health and welfare, and such services include ambulance services; and

WHEREAS, CITY and COUNTY may each contract with a private corporation for the performance of governmental services for the public health and welfare, namely ambulance services; and

WHEREAS, it is in the best interest of the public health and welfare of the citizens of CITY and COUNTY to have available adequate emergency medical care; and

WHEREAS, COUNTY is authorized to provide emergency ambulance service in the county, with the approval of each municipality and hospital district, pursuant to Section 774.003 of the Tex. Health & Safety Code; and

WHEREAS, CITY and COUNTY recognize that whenever two or more contiguous governments share the same ambulance system, a decision by one local government with regard to the ambulance service system unavoidably impacts cost and/or quality of health care in other jurisdictions served by the same system; and

WHEREAS, due to the relatively low population density of some portions of the geographical area in Matagorda County, Texas, and the extremely high start-up and fixed operating costs of a medical transportation system it is necessary and in the best interest of the public health and welfare to combine ambulance operations for CITY and COUNTY in order to achieve high quality care and to maximize economies of scale.

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual covenants and agreements contained herein, the parties mutually agree as follows:

AGREEMENT

1. Ambulance Service Contract. CITY and COUNTY agree that COUNTY may enter into a contract with T. B. D., INC., d/b/a MATAGORDA COUNTY EMS, ("Ambulance Service Contractor") which shall provide paramedic level ambulance, emergency and non-emergency medical

services within the corporate limits of the City of Bay City, the City of Palacios, and unincorporated areas of Matagorda County.

2. Exclusive Ordinance. CITY also agrees to adopt the form of ordinance attached hereto as Exhibit "A" to provide in part that T. B. D., INC., d/b/a MATAGORDA COUNTY EMS shall be the exclusive provider of ambulance services in the City of Bay City.

3. Term. The term of this Interlocal Agreement shall be for five years beginning on January 1, 2000.

4. Termination. In the event of an early termination of the ambulance service provider contract, then this Agreement shall terminate at the same time the "Agreement for Paramedic Ambulance, Emergency and Non-Emergency Medical Services" between COUNTY and T. B. D., INC., d/b/a MATAGORDA COUNTY EMS terminates. COUNTY agrees to provide written notice to CITY of any early termination of the ambulance service provider contract.

5. Assignment/Amendment. The parties hereto may not assign this Agreement. Any oral representations or modifications concerning this Agreement shall be of no force or effect, except that the parties may modify this Agreement in a writing signed by each party and expressly authorized by the governing body of each party.

6. Entirety. This document with any attached exhibits constitutes the entire Agreement of the parties regarding the subject matter of this Agreement. Any prior agreements, promises, negotiations, or representations not expressly contained in this Agreement are of no force and effect.

7. Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision thereof and this Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been contained herein.

Approved in City Council meeting on the 24th day of August, 2000, and executed by CHARLES MARTINEZ, JR., Mayor of the City of Bay City, as the authorized representative of CITY.

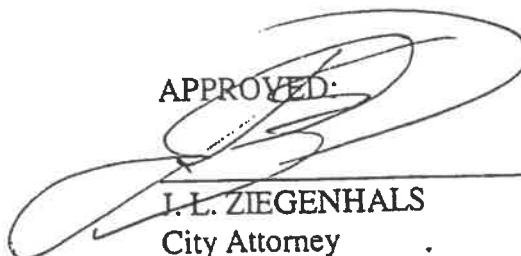
ATTEST:


JOANNE SKINNER
CITY SECRETARY

CITY OF BAY CITY


CHARLES MARTINEZ, JR.
MAYOR

APPROVED:


I. L. ZIEGENHALS
City Attorney

Approved in County Commissioners Court meeting on the _____ day of _____, 2000 and executed by GREG B. WESTMORELAND, County Judge, as the authorized representative of COUNTY.

ATTEST:

MATAGORDA COUNTY

GAIL DENN,
County Clerk

GREG B. WESTMORELAND
County Judge

APPROVED:

JILL CORNELIUS
County Attorney



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

AGENDA ITEM SUBMISSION FORM

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

Requestor Name:	Lister, Roberr	Date Submitted:	02/15/2022
	<i>Last, First</i>		<i>MM/DD/YYYY</i>
Requestor Type:	City Staff	Meeting Date:	02/22/2022
	<i>Citizen/City Staff/Council Member</i>		<i>MM/DD/YYYY</i>
Position Title	Chief of Police		
	<i>For City Staff Only</i>		
Agenda Location:	Annual Report and Racial Profile Report		
	<i>(e.g.: Consent Agenda/ Discussion Item/ Public Hearing/ Executive Session/ Presentation)</i>		

Agenda Content:

DISCUSS, CONSIDER, AND/OR APPROVE

PD ANNUAL REPORT

Executive Summary of Item:



BAY CITY POLICE DEPARTMENT

2201 AVENUE H
BAY CITY, TX 77414

Office: (979) 245-8500 Fax: (979) 245-5758



ITEM #10.

Chief of Police
Robert Lister

Captain
Christella Rodriguez

To: Captain Christella Rodriguez *CR*
Chief Robert Lister *RL*

From: Lt. Irene Kjergaard *IK*

Re: 2021 Use of Force Report

Date: February 3, 2022

From January 1, 2021 to December 31, 2021 there were 39 use of force incidents reported. The incidents were calculated by counting each suspect rather than each officer. Meaning if there was one suspect and two officers who used force. It was counted as one incident. If there were two suspects and one officer, it was counted as two incidents. It should be noted that the number of reported use of force reports is down from 51 reported the previous year.

Of these cases, 18 involved multiple officers using force in the same incident. In cases of multiple officers, a majority were felony stops and/or felony warrant services. Several cases involved calls to a person with a gun. In other cases, it was highly combative subjects.

Of these incidents, 36 resulted in arrest. In one case, it turned out to be kids with a bb gun, in another an officer's weapon was displayed during a search warrant. The other case was an irate, aggressive subject that officers were able to talk to and calm down for an investigation.

Officers' Use of Force

These calculations came from each use of force report submitted by an officer. Unlike above if there was one suspect and two officers, each officer's use of force type was counted. This will explain the difference in the amount of force types reported verses the number of incidents reported. Also, the highest use of force used by the officer was documented. Meaning if an officer pulled a CEW and a firearm in the same incident, only the firearm was counted.

During these incidents, the officers used the following types of force:

- Soft Empty Hand Control – 19
- Hard Empty Hand Control – 1
- Display of Intermediate Weapon (CEW) – 8
- Use of Intermediate Weapon (CEW) – 3
- Display Deadly Weapon – 38
- Use of Deadly Weapon – 0

Suspect's Use of Force

These calculations came from each use of force submitted by an officer. Once again this means if there was one suspect and two officers, the force used against each officer was counted. This was merely because a suspect may use one type of force on one officer and another type of force on the secondary officer.

The type of force primarily used against the officers was defensive resistance. This occurred 41 times. As previously stated, many of these incidents were due to evading detention.



Chief of Police
Robert Lister

BAY CITY POLICE DEPARTMENT
2201 AVENUE H
BAY CITY, TX 77414
Office: (979) 245-8500 Fax: (979) 245-5751



Captain
Christella Rodriguez

To: Captain Christella Rodriguez *CR*
Chief Robert Lister *RL*

From: Lt. Irene Kjergaard

Date: February 3, 2022

Re: 2021 Annual Vehicle Pursuit Review

Vehicle pursuits are recorded by the officer who initiates the pursuit in each instance. The Officer Pursuit Reports are recorded using the vehicle pursuit supplement. The data collected from each incident is maintained by the Support Services Commander.

The analysis for this report was generated directly from the officers' reports, in car videos, and body cam videos. There were 13 vehicle pursuits recorded by the officers from January 1, 2021 through December 31, 2021. That is four less pursuits than the previous year. All of the pursuits were initiated by patrol division.

Pursuit Initiation

- Traffic Stops – 11
- Stolen Vehicle – 1
- Disturbance/Assault – 1

Pursuit Termination

- Driver Voluntarily Stopped – 7
- Driver Crashed into fixed object – 2; ditch -1; pond - 1
- Driver found himself at a dead-end road – 1
- Officer(s) lost sight of the vehicle - 1

Property Damage

Out of the 13 reported pursuits, three resulted in property damage. Two crashed into fences causing damage to fence and the suspect vehicle. One suspect vehicle ended up in a pond resulting in water damage to the vehicle.

Pursuit Policy

There were no changes to the pursuit policy during 2021. There were no formal complaints filed. There was one incident of excessive use of force that was observed after the pursuit. The officer in question did receive discipline for the incident. No other major discipline was issued as a result of the pursuits.

There were three counseling's done. One written counselling for running priority one after the pursuit was terminated. Two verbal counselings were done. One for no seat belt and another for failure to activate either body cameras or the in-car camera or not documenting that they were not working.

Training Needs

As of this time none appear to be needed. The pursuit policy is reviewed by each shift at least once a year during their briefing as required by Best Practices. Any noted issues are addressed as they happen.

Recommendations

- Continue to cover department policy during briefings. This ensures everyone has a complete understanding and allows for officers to ask questions or discuss the policy/procedure as a shift.
- Continue to ensure supervisors are trained in the use of the tire deflation device (Stop Stick). Although the devices were not used by our department this year, there may come a time when they are used.

Lt. Irene Kjergaard 
Support Services Commander



BAY CITY POLICE DEPARTMENT
2201 AVENUE H
BAY CITY, TX 77414
Office: (979) 245-8500 Fax (979) 245-5758



ITEM #10.

Chief of Police
Robert Lister

Captain
Christella Rodriguez

To: Captain Christella Rodriguez CR
Chief Robert Lister RL

From: Lt. Irene Kjergaard IK

Date: February 3, 2022

Subject: Annual Fleet Accident Review for 2021

OVERVIEW: From January 1, 2021 to December 31, 2021 there were four separate incidents involving our fleet. That number was down from eight the previous year. None of the incidents involved injury to an employee. None of the incidents involved other vehicles. One incident involved a rifle round being shot through the SWAT van. Two of the incidents involved fixed objects, and one incident resulted from potholes.

The incident involving a shot being fired through the SWAT van occurred when an officer was doing a function check on a rifle and forgot to remove the magazine. This resulted in two small holes on either side of the van. One incident involving the fixed object occurred when a unit struck a large rock in a parking lot causing damage to the undercarriage. The other incident occurred in LeTulle Park when an officer struck a pole that was hidden from view by a tree. The last incident occurred during a pursuit. The officer ran through potholes and damaged a tire. The tire was changed and there was no further damage.

Training Received: Officers review department and city policy on vehicle operations, pursuits, and fleet accidents periodically during shift briefings. After each at fault incident above, officers were talked to and ways to prevent these types of incidents were discussed.

Training Needs: Have officers continue to review department policy on vehicle operations, pursuits, and fleet accidents. Officers should be reminded to remain aware of their surroundings and obey all traffic laws. Officers should continue to hold each other accountable if they observe any unsafe acts.

Equipment Needs:

No additional equipment needs are recognized at this time.

Policy Revisions:

None currently.

Irene Kjergaard
Support Services Commander



Chief of Police
Robert Lister

BAY CITY POLICE DEPARTMENT

2201 AVENUE H
BAY CITY, TX 77414
Office: (979) 245-8500 Fax (979) 245-5758



Captain
Christella Rodriguez

ITEM #10.

To: Captain Christella Rodriguez *CR*
Chief Robert Lister *RL*

From: Lt. Irene Kjergaard *IK*

Date: February 3, 2022

Subject: 2021 Accident and Injury Report for Sworn and Non-Sworn Personnel

From January 1, 2021 to December 31, 2021, there were 4 incident reports. This number is down from 16 the previous year. One of those were merely reports for exposure to cocaine while an officer was trying to package evidence. The other three were reported injuries.

Two of the injuries were lacerations received when trying to break out vehicle windows. One injury was a dislocated finger. Employees sought medical treatment in three of these reported incidents. Below briefly details each employee's injury:

Officers injured breaking windows

- 1 – Officer used his flashlight to break a car window and his arm went through the window
- 1 – Officer used a window punch and cut his finger

Employee injured from fall

- 1 – Officer was trying to catch a small child, fell and dislocated his ring finger

Training Needs

Officers should continue discussing safety topics during every shift briefing that is conducted for both Sworn and Non-Sworn personnel. Having separate divisional briefings helps pass on safety tips for each person's job assignment. Assigning different employees to present a safety topic also helps provide a variety of topics.

Training Given

None other than safety topics in briefing. We are working on trying to put together some procedures or policies for Animal Control and Impound employees.

Equipment Needs

No additional equipment is needed at this time.

Policy Revisions

The City of Bay City continues to put out revisions to city policy regarding COVID-19.

Irene Kjergaard
Support Services Commander

Bay City Police Department
2021 Annual Report

**Statistical Information:*

Calls For Service

911 Calls	2018	2019	2020	2021
	9,896	9,282	9,164	10,003
Total Calls for Service	28,376	34,464	31,645	33,973

Traffic

Contact Stops
Accidents
Injuries
Fatalities
Written Citations
Written Warnings

Contact Stops	3,894	8,264	6,859	8,933
Accidents	464	535	434	481
Injuries	113	132	109	128
Fatalities	0	1	1	1
Written Citations	1,561	2,376	1,539	1,642
Written Warnings	2,809	6,570	6,351	7,846

Arrest

Adult
Juveniles
Total

Adult	1,176	1,277	906	1,019
Juveniles	94	67	53	51
Total	1,270	1,344	959	1,070

Warrants

Total Received
Total Served

Total Received	864	1,073	591	1,113
Total Served	1,159	843	535	445

Statistical Information-Continued:

2018

2019

2020

2021

Uniform Crime Index

Criminal Homicide
Sexual Assault
Robbery
Aggravated Assaults
Simple Assaults (non-UCR Reportable)
Burglary
Larceny
Motor Vehicle Theft

3	0	7	1
11	16	19	25
18	6	11	5
53	49	52	46
506	591	549	585
122	139	99	97
541	522	490	384
17	25	19	37

Family Violence

Officer Responses
Arrest

337	357	302	292
144	125	113	106

Special Response Team (SRT)

Call-outs

6	4	1	3
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Animal Control

Live Animals Picked Up
Dead Animals Picked Up
Animal Welfare Calls
Total Calls for Service

644	657	372	599
113	121	71	102
178	202	96	111
1,970	2,025	986	1,954

***Statistical Information-Continued:**

Training

Total out of town hours	3,290	2,133	899	2,356
Total BCPD contact hours	4,950	3,058	606	5,250
Total Department Training Hours	8,240	5,191	1505	7,606

TCLEOSE Certifications

Peace officer	2	5	5	0
Basic Peace Officer	10	8	10	11
Intermediate	2	5	5	6
Advanced	5	5	4	4
Master	17	17	16	16
Instructor	23	23	14	18
Advance Instructor	0	0	0	1
F.T.O.	36	58	36	36
S.F.S.T.	35	35	17	26
Mental Health	3	6	2	8
Firearms Inst.	4	4	2	2
Crime Prevention Spl.	2	2	2	1
Intoxilyzer Opr.	4	4	4	4
Inter. Crash Inv.	6	6	6	6
Advance crash Inv.	1	1	1	1
Inv. Hypnotist	0	0	0	1

Jailer

Basic Certification	3	5	5	4
Master Certification	0	0	0	0

3

ITEM #10.

*Statistical Information-Continued:*2018201920202021**Communications**

Temp. Telecommunications
 Basic Telecommunications
 Intermediate Telecommunications
 Advance Telecommunications
 Master Telecommunications

3	2	3	1
4	1	2	1
6	2	2	1
5	6	6	5
3	3	3	5

Investigations

Cases Assigned for Investigation
 CPS Referrals
 APS Referrals

2,352	2,716	2,533	2,657
306	326	300	357
11	18	23	24

Crime Prevention

Crime Prevention hours
 Community Presentations
 Home and Business Safety Awareness

79	263	64	92
0	67	21	23
0	0	0	0

Crime Victim's Liaison Division

Victim's Served
 Crime Victim's Compensation Applications Served
 Crime Victim's Compensation payouts to Victims

804	953	995	1,095
45	54	42	36
\$101,254	\$166,067	\$104,663	\$122,933

Mental Health

Total Calls
 Transports

269	227	159	95
59	66	81	67
4			

*Statistical Information-Continued:

Juveniles

Transports	22	24	5	11
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Narcotic Related Statistics

Narcotic Division Cases				65
Patrol Division Cases				94
Total Cases	138	146	144	159
Narcotic Division Arrest				19
Patrol Division Arrest				126
Total Arrest	136	98	62	145

ehicles Seized
oney Seized
irearms Seized

5	3	5	6
\$16,200	\$5,663	\$2,662	\$70,849
0	0	11	5

Special Operations

Total Special Police Operations Initiated	8	11	3	3
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Dealing with the Homeless

Calls for Service		126	95	53
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Racial Profiling Report | Full

ITEM #10.

Agency Name: BAY CITY POLICE DEPT.
Reporting Date: 02/16/2022
TCOLE Agency Number: 321201

Chief Administrator: ROBERT B. LISTER

Agency Contact Information:
Phone: (979) 245-8500
Email: rlister@cityofbaycity.org

Mailing Address:
2201 AVENUE H
BAY CITY, TX 77414

This Agency filed a full report

BAY CITY POLICE DEPT. has adopted a detailed written policy on racial profiling. Our policy:

- 1) clearly defines acts constituting racial profiling;
- 2) strictly prohibits peace officers employed by the BAY CITY POLICE DEPT. from engaging in racial profiling;
- 3) implements a process by which an individual may file a complaint with the BAY CITY POLICE DEPT. if the individual believes that a peace officer employed by the BAY CITY POLICE DEPT. has engaged in racial profiling with respect to the individual;
- 4) provides public education relating to the agency's complaint process;
- 5) requires appropriate corrective action to be taken against a peace officer employed by the BAY CITY POLICE DEPT. who, after an investigation, is shown to have engaged in racial profiling in violation of the BAY CITY POLICE DEPT. policy;
- 6) requires collection of information relating to motor vehicle stops in which a warning or citation is issued and to arrests made as a result of those stops, including information relating to:
 - a. the race or ethnicity of the individual detained;
 - b. whether a search was conducted and, if so, whether the individual detained consented to the search;
 - c. whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;
 - d. whether the peace officer used physical force that resulted in bodily injury during the stop;
 - e. the location of the stop;
 - f. the reason for the stop.
- 7) requires the chief administrator of the agency, regardless of whether the administrator is elected, employed, or appointed, to submit an annual report of the information collected under Subdivision (6) to:
 - a. the Commission on Law Enforcement; and
 - b. the governing body of each county or municipality served by the agency, if the agency is an agency of a county, municipality, or other political subdivision of the state.

The BAY CITY POLICE DEPT. has satisfied the statutory data audit requirements as prescribed in Article 2.133(c),

Code of Criminal Procedure during the reporting period.

ITEM #10.

Executed by: IRENE R. KJERGAARD
LIEUTENANT

Date: 02/16/2022

Total stops: 8934

Street address or approximate location of the stop

City street	7567
US highway	5
County road	9
State highway	1300
Private property or other	53

Was race or ethnicity known prior to stop?

Yes	149
No	8785

Race / Ethnicity

Alaska Native / American Indian	33
Asian / Pacific Islander	68
Black	1646
White	3632
Hispanic / Latino	3555

Gender

Female	3455
Alaska Native / American Indian	10
Asian / Pacific Islander	17
Black	628
White	1495
Hispanic / Latino	1305
Male	5479
Alaska Native / American Indian	23
Asian / Pacific Islander	51
Black	1018
White	2227
Hispanic / Latino	2160

Reason for stop?

Violation of law	296
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	88
White	97

Hispanic / Latino	110
Preexisting knowledge	128
Alaska Native / American Indian	1
Asian / Pacific Islander	0
Black	22
White	56
Hispanic / Latino	49
Moving traffic violation	6107
Alaska Native / American Indian	26
Asian / Pacific Islander	56
Black	1035
White	2567
Hispanic / Latino	2423
Vehicle traffic violation	2403
Alaska Native / American Indian	6
Asian / Pacific Islander	11
Black	501
White	912
Hispanic / Latino	973
Was a search conducted?	
Yes	222
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	64
White	66
Hispanic / Latino	90
No	8712
Alaska Native / American Indian	33
Asian / Pacific Islander	66
Black	1582
White	3566
Hispanic / Latino	3465
Reason for Search?	
Consent	70
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	19
White	30

Hispanic / Latino	21
Contraband	13
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	1
Hispanic / Latino	9
Probable	92
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	28
White	19
Hispanic / Latino	43
Inventory	17
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	3
White	4
Hispanic / Latino	10
Incident to arrest	30
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	11
White	12
Hispanic / Latino	7

Was Contraband discovered?

Yes 164

Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	46
White	47
Hispanic / Latino	69

No 58

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	18
White	19
Hispanic / Latino	21

Did the finding result in arrest?

(total should equal previous column)

Yes	0	No	0
Yes	2	No	0
Yes	30	No	16
Yes	35	No	12
Yes	49	No	20

Description of contraband

Drugs	111
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	32
White	36
Hispanic / Latino	41
Weapons	11
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	5
White	4
Hispanic / Latino	1
Currency	2
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	0
White	0
Hispanic / Latino	0
Alcohol	25
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	9
White	4
Hispanic / Latino	12
Stolen property	2
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	2
Other	32
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	8
White	8
Hispanic / Latino	16
Result of the stop	
Verbal warning	5

Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	3
Hispanic / Latino	0
Written warning	7412
Alaska Native / American Indian	29
Asian / Pacific Islander	56
Black	1277
White	3056
Hispanic / Latino	2994
Citation	1378
Alaska Native / American Indian	4
Asian / Pacific Islander	9
Black	326
White	532
Hispanic / Latino	507
Written warning and arrest	15
Alaska Native / American Indian	0
Asian / Pacific Islander	2
Black	4
White	6
Hispanic / Latino	3
Citation and arrest	17
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	4
White	4
Hispanic / Latino	9
Arrest	107
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	33
White	31
Hispanic / Latino	42
Arrest based on	
Violation of Penal Code	96
Alaska Native / American Indian	0
Asian / Pacific Islander	2

Black	26
White	31
Hispanic / Latino	37
Violation of Traffic Law	14
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	5
White	4
Hispanic / Latino	5
Violation of City Ordinance	0
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	0
White	0
Hispanic / Latino	0
Outstanding Warrant	29
Alaska Native / American Indian	0
Asian / Pacific Islander	1
Black	10
White	6
Hispanic / Latino	12

Was physical force resulting in bodily injury used during stop?

Yes	4
Alaska Native / American Indian	0
Asian / Pacific Islander	0
Black	2
White	1
Hispanic / Latino	1
Resulting in Bodily Injury To:	
Suspect	2
Officer	1
Both	1
No	8930
Alaska Native / American Indian	33
Asian / Pacific Islander	68
Black	1643
White	3631
Hispanic / Latino	3554

Number of complaints of racial profiling

Total	3
Resulted in disciplinary action	0
Did not result in disciplinary action	3

Comparative Analysis

Use TCOLE's auto generated analysis	☒
Use Department's submitted analysis	☐

Optional Narrative

N/A

Submitted electronically to the



The Texas Commission on Law Enforcement

Racial Profiling Analysis Report

ITEM #10.

BAY CITY POLICE DEPT.

01. Total Traffic Stops:	8934	
02. Location of Stop:		
a. City Street	7567	84.70%
b. US Highway	5	0.06%
c. County Road	9	0.10%
d. State Highway	1300	14.55%
e. Private Property or Other	53	0.59%
03. Was Race known prior to Stop:		
a. NO	8785	98.33%
b. YES	149	1.67%
04. Race or Ethnicity:		
a. Alaska/ Native American/ Indian	33	0.37%
b. Asian/ Pacific Islander	68	0.76%
c. Black	1646	18.42%
d. White	3632	40.65%
e. Hispanic/ Latino	3555	39.79%
05. Gender:		
a. Female	3455	38.67%
i. Alaska/ Native American/ Indian	10	0.11%
ii. Asian/ Pacific Islander	17	0.19%
iii. Black	628	7.03%
iv. White	1495	16.73%
v. Hispanic/ Latino	1305	14.61%
b. Male	5479	61.33%
i. Alaska/ Native American/ Indian	23	0.26%
ii. Asian/ Pacific Islander	51	0.57%
iii. Black	1018	11.39%
iv. White	2227	24.93%
v. Hispanic/ Latino	2160	24.18%
06. Reason for Stop:		
a. Violation of Law	296	3.31%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	0.34%

Racial Profiling Analysis Report

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iii. Black	88	29.73%
iv. White	97	32.77%
v. Hispanic/ Latino	110	37.16%
b. Pre-Existing Knowledge	128	1.43%
i. Alaska/ Native American/ Indian	1	0.78%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	22	17.19%
iv. White	56	43.75%
v. Hispanic/ Latino	49	38.28%
c. Moving Traffic Violation	6107	68.36%
i. Alaska/ Native American/ Indian	26	0.43%
ii. Asian/ Pacific Islander	56	0.92%
iii. Black	1035	16.95%
iv. White	2567	42.03%
v. Hispanic/ Latino	2423	39.68%
d. Vehicle Traffic Violation	2403	26.90%
i. Alaska/ Native American/ Indian	6	0.25%
ii. Asian/ Pacific Islander	11	0.46%
iii. Black	501	20.85%
iv. White	912	37.95%
v. Hispanic/ Latino	973	40.49%
07. Was a Search Conducted:		
a. NO	8712	97.52%
i. Alaska/ Native American/ Indian	33	0.38%
ii. Asian/ Pacific Islander	66	0.76%
iii. Black	1582	18.16%
iv. White	3566	40.93%
v. Hispanic/ Latino	3465	39.77%
b. YES	222	2.48%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	0.90%
iii. Black	64	28.83%
iv. White	66	29.73%
v. Hispanic/ Latino	90	40.54%
08. Reason for Search:		
a. Consent	70	0.78%

Racial Profiling Analysis Report

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i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	19	27.14%
iv. White	30	42.86%
v. Hispanic/ Latino	21	30.00%
b. Contraband in Plain View	13	0.15%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	23.08%
iv. White	1	7.69%
v. Hispanic/ Latino	9	69.23%
c. Probable Cause	92	1.03%
ii. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	2	2.17%
iii. Black	28	30.43%
iv. White	19	20.65%
v. Hispanic/ Latino	43	46.74%
d. Inventory	17	0.19%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	3	17.65%
iv. White	4	23.53%
v. Hispanic/ Latino	10	58.82%
e. Incident to Arrest	30	0.34%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	11	36.67%
iv. White	12	40.00%
v. Hispanic/ Latino	7	23.33%
09. Was Contraband Discovered:		
YES	164	1.84%
i. Alaska/ Native American/ Indian	0	0.00%
Finding resulted in arrest - YES	0	
Finding resulted in arrest - NO	0	
ii. Asian/ Pacific Islander	2	1.22%
Finding resulted in arrest - YES	2	
Finding resulted in arrest - NO	0	
iii. Black	46	28.05%

Racial Profiling Analysis Report

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Finding resulted in arrest - YES	30	
Finding resulted in arrest - NO	16	
iv. White	47	28.66%
Finding resulted in arrest - YES	35	
Finding resulted in arrest - NO	12	
v. Hispanic/ Latino	69	42.07%
Finding resulted in arrest - YES	49	
Finding resulted in arrest - NO	20	
b. NO	58	0.65%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	18	31.03%
iv. White	19	32.76%
v. Hispanic/ Latino	21	36.21%

10. Description of Contraband:

a. Drugs	111	1.24%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	1.80%
iii. Black	32	28.83%
iv. White	36	32.43%
v. Hispanic/ Latino	41	36.94%
b. Currency	2	0.02%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	100.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	0	0.00%
c. Weapons	11	0.12%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	9.09%
iii. Black	5	45.45%
iv. White	4	36.36%
v. Hispanic/ Latino	1	9.09%
d. Alcohol	25	0.28%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	9	36.00%
iv. White	4	16.00%

Racial Profiling Analysis Report

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v. Hispanic/ Latino	12	48.00%
e. Stolen Property	2	0.02%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	0	0.00%
iv. White	0	0.00%
v. Hispanic/ Latino	2	100.00%
f. Other	32	0.36%
i. Alaska/ Native American/ Indian	0	0.00%
i. Asian/ Pacific Islander	0	0.00%
iii. Black	8	25.00%
iv. White	8	25.00%
v. Hispanic/ Latino	16	50.00%

11. Result of Stop:

a. Verbal Warning	5	0.06%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	40.00%
iv. White	3	60.00%
v. Hispanic/ Latino	0	0.00%
b. Written Warning	7412	82.96%
i. Alaska/ Native American/ Indian	29	0.39%
ii. Asian/ Pacific Islander	56	0.76%
iii. Black	1277	17.23%
iv. White	3056	41.23%
v. Hispanic/ Latino	2994	40.39%
c. Citation	1378	15.42%
i. Alaska/ Native American/ Indian	4	0.29%
ii. Asian/ Pacific Islander	9	0.65%
iii. Black	326	23.66%
iv. White	532	38.61%
v. Hispanic/ Latino	507	36.79%
d. Written Warning and Arrest	15	0.17%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	13.33%
iii. Black	4	26.67%
iv. White	6	40.00%
v. Hispanic/ Latino	3	20.00%

Racial Profiling Analysis Report

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e. Citation and Arrest	17	0.19%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	4	23.53%
iv. White	4	23.53%
v. Hispanic/ Latino	9	52.94%
f. Arrest	107	1.20%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	0.93%
iii. Black	33	30.84%
iv. White	31	28.97%
v. Hispanic/ Latino	42	39.25%
12. Arrest Based On:		
a. Violation of Penal Code	96	1.07%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	2	2.08%
iii. Black	26	27.08%
iv. White	31	32.29%
v. Hispanic/ Latino	37	38.54%
b. Violation of Traffic Law	14	0.16%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	5	35.71%
iv. White	4	28.57%
v. Hispanic/ Latino	5	35.71%
c. Violation of City Ordinance	0	0.00%
i. Alaska/ Native American/ Indian	0	
ii. Asian/ Pacific Islander	0	
iii. Black	0	
iv. White	0	
v. Hispanic/ Latino	0	
d. Outstanding Warrant	29	0.32%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	1	3.45%
iii. Black	10	34.48%
iv. White	6	20.69%
v. Hispanic/ Latino	12	41.38%

Racial Profiling Analysis Report

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13. Was Physical Force Used:

a. NO	8930	99.96%
i. Alaska/ Native American/ Indian	33	0.37%
ii. Asian/ Pacific Islander	68	0.76%
iii. Black	1643	18.40%
iv. White	3631	40.66%
v. Hispanic/ Latino	3554	39.80%
b. YES	4	0.04%
i. Alaska/ Native American/ Indian	0	0.00%
ii. Asian/ Pacific Islander	0	0.00%
iii. Black	2	50.00%
iv. White	1	25.00%
v. Hispanic/ Latino	1	25.00%
b 1. YES: Physical Force Resulting in Bodily Injury to Suspect	2	50.00%
b 2. YES: Physical Force Resulting in Bodily Injury to Officer	1	25.00%
b 3. YES: Physical Force Resulting in Bodily Injury to Both	1	25.00%

14. Total Number of Racial Profiling Complaints Received:

3

REPORT DATE COMPILED 02/16/2022



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

AGENDA ITEM SUBMISSION FORM

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Requestor Name: Shook, Daniel **Date Submitted:** 02/09/2022
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 02/22/2022
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Fire Marshal
For City Staff Only

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

Agenda Content:

DISCUSS, CONSIDER, AND/OR APPROVE

SURPLUS RADIO EQUIPMENT

Executive Summary of Item:

Due to radios being obsolete, it is requested to surplus the listed radios. The radios will be donated to Matagorda County.

These old-style radios are discontinued, and the city is unable to purchase replacement parts. It is requested the following radios along with the chargers for the radios to be declared surplus so they are able to be given to Matagorda County. Below is a list of the radios to be declared as surplus.

56) portables

18) mobiles

24) portable chargers

4) mobile chargers

1) 6-gang charger

Asset	Category	Description
205CHT1264	Portable Voice	XTS2500
205CHT1277	Portable Voice	XTS2500
205CHT1285	Portable Voice	XTS2500
205CHT1289	Portable Voice	XTS2500
205CHT1299	Portable Voice	XTS2500
205CHT1333	Portable Voice	XTS2500
205CHT1350	Portable Voice	XTS2500
205CHT1353	Portable Voice	XTS2500
205CHT1421	Portable Voice	XTS2500
205CHT1439	Portable Voice	XTS2500
205CHT1461	Portable Voice	XTS2500
205CHT1463	Portable Voice	XTS2500
205CHT1477	Portable Voice	XTS2500
205CHT1485	Portable Voice	XTS2500
205CHT1487	Portable Voice	XTS2500
205CHT1287	Portable Voice	XTS2500
205CHT1304	Portable Voice	XTS2500
205CHT1345	Portable Voice	XTS2500
205CHT1476	Portable Voice	XTS2500
205CHT1283	Portable Voice	XTS2500
205CHT1290	Portable Voice	XTS2500
205CHT1464	Portable Voice	XTS2500
205CHT1483	Portable Voice	XTS2500
205CHT1326	Portable Voice	XTS2500
205CHT1212	Portable Voice	XTS2500
205CHT1276	Portable Voice	XTS2500
205CHT1472	Portable Voice	XTS2500
205CHT1262	Portable Voice	XTS2500
205CHT1324	Portable Voice	XTS2500
205CHT1303	Portable Voice	XTS2500

205CHT1349	Portable Voice	XTS2500
205CHT1263	Portable Voice	XTS2500
205CHT1288	Portable Voice	XTS2500
205CHT1273	Portable Voice	XTS2500
205CHT1232	Portable Voice	XTS2500
205CHT1486	Portable Voice	XTS2500
205CHT1335	Portable Voice	XTS2500
205CHT1298	Portable Voice	XTS2500
205CHT1479	Portable Voice	XTS2500
205CHT1223	Portable Voice	XTS2500
205CHT1430	Portable Voice	XTS2500
205CHT1224	Portable Voice	XTS2500
205CHT1428	Portable Voice	XTS2500
205CHT1308	Portable Voice	XTS2500
205CHT1292	Portable Voice	XTS2500
205CHT1459	Portable Voice	XTS2500
205CHT1441	Portable Voice	XTS2500
205CHT1266	Portable Voice	XTS2500
205CHT1258	Portable Voice	XTS2500
205CHT1456	Portable Voice	XTS2500
205CHT1236	Portable Voice	XTS2500
205CHT1424	Portable Voice	XTS2500
205CJR2920	Portable Voice	XTS2500
205CJH0681	Portable Voice	XTS2500
687CJX2419	Portable Voice	XTS2500
687CJX2441	Portable Voice	XTS2500
775THL0456	Mobile Voice	XTL1500
775THL0116	Mobile Voice	XTL1500
775THL0388	Mobile Voice	XTL1500
775THL0306	Mobile Voice	XTL1500
514CHT0968	Mobile Voice	XTL2500
514CHT0937	Mobile Voice	XTL2500
514CHT0938	Mobile Voice	XTL2500
514CHT0953	Mobile Voice	XTL2500
514CHT0884	Mobile Voice	XTL2500
514CHT0949	Mobile Voice	XTL2500
514CHT0954	Mobile Voice	XTL2500
514CHT0951	Mobile Voice	XTL2500
514CHT0918	Mobile Voice	XTL2500
514CHT0921	Mobile Voice	XTL2500

514CHT0922	Mobile Voice	XTL2500
514CHT0936	Mobile Voice	XTL2500
514CHT0910	Mobile Voice	XTL2500
514CJZ4787	Mobile Voice	XTL2500
24)	Portable Chargers	NNTN7392A
1)	6-Gang Charger	WPLN4121BR
4)	Mobile Chargers	RLN4884B

Respectfully,

Daniel Shook, Fire Marshal



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☐ Citizen ☒ City Staff ☐ Council Member

Requestor Name: Robert Lister

Date Submitted: 2/7/2022

Position Title (If City Staff): Chief of Police

Council Meeting Date: 2/22/2022

Type of Agenda Item:

- ☐ Consent Agenda ☐ Presentation
☐ Public Hearing ☐ Executive Session
☒ Regular Item for Discussion

Agenda Wording:

Discuss, consider, and/or approve surplus of PD vehicle to be auctioned.

Executive Summary of Item:

The unit # is 771

2011 chevy LL

mileage 158149



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Requestor Name: Calhoun, Barry **Date Submitted:** 02/15/2022
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 02/22/2022
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Director of Public Works
For City Staff Only

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

Agenda Content:

DISCUSS, CONSIDER, AND/OR APPROVE A DECLARATION OF UNUSABLE EQUIPMENT, SUPPLIES, AND MATERIALS AS SURPLUS AND AUTHORIZE STAFF TO SELL SAID SURPLUS EQUIPMENT, SUPPLIES, AND MATERIALS THROUGH THE USE OF AN ONLINE AUCTION OR OTHER MEANS.

Executive Summary of Item:

Every fiscal year our Lead Mechanic, Supervisors, and Directors make recommendations to remove items from the City's fleet and inventory due to unsafe working conditions, reduced usability, high maintenance costs, and/or high repair costs. Included in this agenda item are a number of pieces of equipment, tools, materials, and furniture that has been deemed unusable and not worth high repair costs to continue to maintain. Items included are from the Public Works Department, Bay City Library, Municipal Court, Parks & Recreation Department, and the IT Department. Attached is the list of items (including pictures) that is being requested to be removed from the City's fleet and inventory. It is the recommendation of staff to surplus these items so they can be removed via online auction or other means.

Unit # 732 – 2009 Ford F-150 Truck ½ Ton XL

Department: WWTP
Vehicle Age: 12 years old
Mileage: 99,628
Status: Out of Service

Upon inspection by the Equipment Maintenance Lead Mechanic, the following was found:

- Inoperable.
- 4.6L, V8 Gas Engine is not operable.
- Multiple system failures due to a bad water pump and charging system malfunctions.
- Engine has unknown internal damages from overheating.
- Rear truck tailgate paint scratch, rear bumper dent.
- White in color, no cracked glass.
- Dents, dings, and scratches.
- Light gray vinyl interior, lower driver side cushion torn.
- Driver side door/step molding missing.
- Serviced every 3,000 miles.

The repair cost for this unit is \$6,500 and up.



Unit # 714 – 2007 Ford F-150 ½ Ton Truck

Department: Street & Bridge
Vehicle Age: 14 years old
Mileage: 156,435
Status: Out of Service

Upon inspection by the Equipment Maintenance Lead Mechanic, the following was found:

- Deemed a total loss through a TML claims adjuster.
- Needs extensive body repair to the passenger side truck bed.
- Broken driver side taillight and half of door is bent in from collision.
- Transmission needs to be rebuilt.
- White in color with cracked front windshield.
- Gray vinyl interior.
- Dents, dings, and scratches.
- Inoperable.
- 4.2L, V6 Gas Engine.
- Serviced every 3,000 miles.

The repair cost for this unit is \$12,000 and up.



Unit # 645 – 2001 Ford F-350 Super Duty Truck

Department: Facilities Maintenance
Vehicle Age: 20 years old
Mileage: 82,155
Status: Limited Use

Upon inspection by the Equipment Maintenance Lead Mechanic, the following was found:

- Is operable with an automatic transmission.
- 5.4L, V8 Gas Engine.
- Engine is weak, due to the loss of compression on cylinders 1 & 4.
- Operation of this vehicle is unreliable and could cause a fatal accident at any moment.
- Fuel tank has a continuous leak, could cause an engine fire.
- Radio is not operable.
- Serviced every 3000 miles.
- 2 Wheel Drive.
- White in color, no cracked glass.
- Dents, dings, and scratches.
- Tan vinyl interior, torn driver side small tare.

The repair cost for this unit is \$6,000 and up.



Unit # 638 – 2001 Chevrolet 1-Ton Flat Bed Truck w/Dump Capacity

Department: Street & Bridge
Vehicle Age: 20 years old
Mileage: 119,536
Status: Out of Service

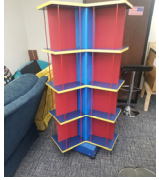
Upon Inspection by the Equipment Maintenance Lead Mechanic, the following was found:

- Vehicle is in poor condition.
- Is operable with automatic transmission.
- 6.0L, V8 Gas Engine, 2-Wheel Drive.
- Engine is weak and unreliable.
- Battery system keeps draining down.
- No working Air conditioning.
- Dashboard cracked; driver side door handle is missing panel.
- Hydraulic lift dump bed is in working condition but is weak.
- Services every 3000 miles.
- White in color, no cracked glass.
- Gray vinyl interior.
- Dents, dings, and scratches.

The repair cost for this unit is \$3500 and up.



Approval for Sale by City Council: _____
DATE

Item	Govdeals ID	Dept	QTY	Description	PICTURE	LOTS	Removed From Fleet How	Sale Amount	Status	Date Removed From Fleet
1		Library	1	Medium Oak L Shaped Information Desk: Length: 100" by Width 100" & 32" in Height. Regular Wear & Tear to Edges						
2		Library	1	Book Shelf - Spinning mobile display cart, leans to one side. Length: 28.5" Width: 28.5" Height: 61" LOCATED AT LIBRARY						
3		Library	1	Blue Chair : LOCATED AT LIBRARY						
4		Library	1	Yellow Chair: LOCATED AT LIBRARY						
5		Finance	1	Desk: Length: 3' Width: 2'6" Height: 2'2"						
6		Munic. Court	3	1 Partial Desk: L: 4' W: 1'11" H: 61" (2) Wooden Shelves w/Metal Anchors						
7		Munic. Court	2	2 Uneven Tables: Length: 4'9" Height: 2'4".						
8		Public Works	1	6 Drawer large desk, with detachable top: 3'3" X 6'6" Finish: 4.5' x 22"						

9		Public Works	1	Small Lockable File Drawer - 4 Drawers: 4' L XW1						
10		Public Works	1	Small Cabinet with Sliding Doors - 3 shelves: Length: 4' by Width 1'4" & 2'7" in Height.						
11		Public Works	2	Safes: 1. Large Safe - No Combination Broken - 28L x 20W x 24 H 2. Small Sentry Safe - No Combination - 17L x 16W x 13H						
12		Public Works	1	4 Drawer File Cabinet: Width 1'6" & 2'7" in Height 2'4" Deep						
13		Public Works	38	Flex Ply 1/4" Plywood 8' x 4' - 38 Sheets unused						

**BUDGET~ DISCUSS, CONSIDER, AND/OR APPROVE AN ORDINANCE ADOPTING
BUDGET AMENDMENTS FOR THE QUARTER ENDING DECEMBER 31, 2021.**



EXECUTIVE SUMMARY
BUDGET AMENDMENTS

BACKGROUND: The legal level of budgetary control for the City of Bay City lies at the departmental level. Any revisions that alter the amount of total expenditures/expenses of the department must be approved by City Council.

FINANCIAL IMPLICATIONS: Amending the budget provides a revised parameter for the budget.

RECOMMENDATION: Staff recommends City Council approve the budget amendments as presented.

ATTACHMENTS: Ordinance and Budget Amendments

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ADOPTING A "BUDGET AMENDMENT #1 TO THE "ANNUAL BUDGET OF THE CITY OF BAY CITY, TEXAS, FOR THE FISCAL YEAR 2022"; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

WHEREAS, by Ordinance No. 1671, the City of Bay City, Texas, adopted its "Annual Budget" for Fiscal Year 2022;

WHEREAS, the City Council has determined the revenues and/or reserves are available for supplement appropriation and/or transfer of certain funds interdepartmentally is economically feasible and in the best interest of prudent budgeting; and

WHEREAS, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2022; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, STATE OF TEXAS:

Section 1. The facts and matters set forth in the preamble of this Ordinance are hereby to be true and correct.

Section 2. The "Annual Budget" of the City of Bay City, Texas, for the Fiscal Year 2022, is hereby amended as shown on "Budget Amendment #1" to the Original Budget of the City of Bay City, Texas, for the Fiscal Year 2022, attached hereto. These amendments are for municipal purposes. Said Budget Amendment shall be attached to and made a part of such Annual Budget by the City Secretary and shall be filed as required by state law, a true and correct copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes.

Section 3. In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held constitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Bay City, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or constitutional, whether there be one or more parts.

PASSED AND APPROVED on first and final reading this 22nd day of February 2022.

CITY OF BAY CITY, TEXAS

Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson, City Secretary

APPROVED as to FORM:

Anne Marie Odefey, City Attorney

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

Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson, City Secretary

APPROVED AS TO FORM AND SUBSTANCE:

Anne Marie Odefey, City Attorney

BUDGET AMENDMENT

ITEM #14.

DEPARTMENT:

General Fund

Date:

12/31/2021

Reason for Budget Amendment: (Please indicate)

1. New revenues (originally unbudgeted) are available.
2. Actual revenues (originally unbudgeted) have exceeded the original adopted budget.
3. A new project, program or special expenditure has been authorized.
4. Transfer reclassification of original adopted budget to realign budget to actual transaction activity as presently needed.

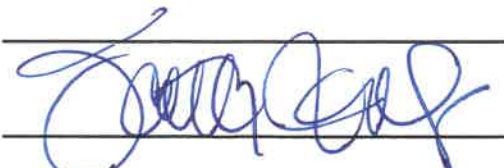
X

X

Brief Description of Request: **FY2022: General Fund**

Account Description	Fund #	Account #	Expenditure	Exp. Decrease	Notes
			Increase or Revenue Decrease	or Rev. Increase	
Account Description	Fund #	Account #	Debit	Credit	Notes
CE- Infrastructure	11	175-4620	\$ 290,000		Hamman Road Drainage Phase 1a Council Awarded 12-7-21
Transfer to- Info Tech Fund	11	110-4765	\$ 15,000		New Phone System
Traffic Control Supplies	11	175-4319		\$ 5,000	Decreased Street Dept
Fuel- Gasoline & Oil	11	175-4320		\$ 5,000	Decreased Street Dept
R & M- Equipment	11	175-4505		\$ 5,000	Decreased Street Dept
					Hurricane Nicholas Debris Removal Services
Contracted Services	11	175-4425	\$ 112,000		Debris Tech- Monitoring
Contracted Services	11	175-4425	\$ 235,000		DRC- Debris Removal
					Memorial Sign- Tom Uher
Traffic Control Supplies	11	175-4319	\$ 4,500		Increased Street Dept.
Miscellaneous Expense	11	110-4499		\$ 2,000	Decreased City General
Legal - Special	11	110-4436		\$ 1,000	Decreased City General
Bank Charges	11	110-4300		\$ 1,500	Decreased City General
Prior Year Fund Balance	11	3999		\$ 637,000	Reserves Used to Offset Projects
Amendments to reflect Phone System, Nicholas Debris Removal Charges, Uher Sign, & Hamman Rd Drainage Project					
TOTAL			\$ 656,500	\$ 656,500	

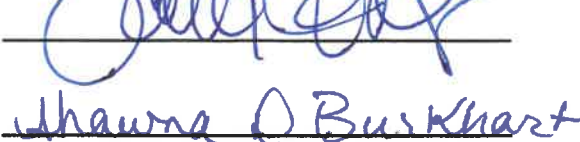
Dept. Head Signature:



Date

2-17-22

Finance Director Signature:



Date

2-17-22

City Manager:

Date



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

AGENDA ITEM SUBMISSION FORM

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

Requestor Name: Calhoun, Barry **Date Submitted:** 02/15/2022
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 02/22/2022
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Director of Public Works
For City Staff Only

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

Agenda Content:

DISCUSS, CONSIDER, AND/OR APPROVE WORK ORDER NO.6 TO THE STANDARD CONTRACT AGREEMENT BETWEEN THE CITY OF BAY CITY, TEXAS AND GARVER, LLC FOR PROFESSIONAL ENGINEERING SERVICES IN THE AMOUNT OF \$235,058.00 FOR THE DESIGN, BID, AND CONSTRUCTION OF THE MOCKINGBIRD WATER PLANT ELECTRICAL IMPROVEMENTS PROJECT BUDGETED IN FISCAL YEAR 2022 CAPITAL IMPROVEMENTS PLAN.

Executive Summary of Item:

In June 2016, the City of Bay City Public Works Department and Jones | Carter Engineering completed the Water System Analysis & Master Plan. The plan identified infrastructure capital improvement projects that should be completed to improve the City's utility water system including new capital projects and operations & maintenance projects. The Mockingbird Water Plant Improvements Project was identified as a priority in this plan and consists of mechanical, electrical, and controls upgrades to ensure proper operation of the water plant. Improvements associated with this project consists of replacement and rehabilitation of the electrical power and Controls Building, the installation of a natural gas backup generator, a Motor Control Center, Automatic Transfer Switch, and SCADA Programming. These improvements will aid in continued water pressure production and maintenance for the City's water system.

Budget: \$1,000,000 CIP Budget (reserves)
 Engineer Estimate: \$764,942
 Engineering Services: \$235,058

It is staff's recommendation to approve Work Order No. 6 so the City can move forward with this project.

**EXHIBIT A****WORK ORDER NO. 6****CITY OF BAY CITY****Mockingbird Water Plant Design and Construction Phase Services
Project No. 21W09070**

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

Under this Work Order, the Owner intends to make the following improvements for **Bay City Mockingbird Water Plant Design and Construction Phase Services**:

Generally, the scope of services generally includes preparing detailed design, bidding and construction phase services for new electrical improvements at the Mockingbird Water Plant. The detailed design and construction phase services will be for demolishing the existing electrical building, installation of new electrical building and system, installation of natural gas generator, and installation of site lighting.

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

1. SCOPE OF SERVICES

1.1. Refer to APPENDIX A – SCOPE OF SERVICES.

2. PAYMENT

2.1. The lump sum amount to be paid under this Agreement is \$235,058.00. For informational purposes, a breakdown of Garver's estimated costs is included in APPENDIX B – FEE SUMMARY.

3. APPENDICES

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



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

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

CITY OF BAY CITY

GARVER, LLC

By: _____
Signature

By: D. N. Olson
Signature

Name: Robert K. Nelson
Printed Name

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

Title: Mayor

Title: Vice President

Date: _____

Date: 12/14/2021

Attest: _____

Attest: Bianna

APPENDIX A

SCOPE OF SERVICES

City of Bay City, Texas

Mockingbird Water Plant – Electrical Improvements

Project No. – 21W09075

BACKGROUND

The City of Bay City, Texas (“City”) has selected Garver (“Engineer”) to provide professional services necessary for design, bidding and construction administration services for new electrical improvements at the Mockingbird Water Plant. This scope of work consists of the preliminary, final design, and construction phase services for this effort. The preliminary design phase will include development of conceptual layouts to serve as the basis of design for upgrades and the final design phase will be performed to develop construction documents for the proposed electrical improvements.

The Mockingbird Water Plant design services is anticipated to provide detailed design of the following items for the Mockingbird Water Plant:

1. Demolition of existing electrical system, building, diesel engine generator, and generator fuel tank.
2. Coordination with local electric utility and installation of new electrical service entrance.
3. Installation of new electrical system to include, but not limited to the following: main disconnect, motor control center, low voltage transformer, control panel, and lighting panel.
4. Coordination with local natural gas utility for installation of new natural gas line to site for new natural gas generator.
5. Installation of new natural gas generator with sound attenuating weatherproof enclosure and automatic transfer switch.
6. Installation of new pre-cast concrete building with HVAC system.
7. Installation of site lighting to cover all related equipment.

SCOPE OF WORK

Generally, the scope of services includes assessing each water plant owned and maintained by the City and preparing a technical memorandum for the City. The technical memorandum will focus on the assessing the existing conditions based on visual inspection and third-party performance testing of the water wells.

A. Task I - Project Administration

1. Engineer will attend one kickoff meeting to discuss project objectives, internal and external team member roles and responsibilities, communication protocols, document management protocols, and schedule.
2. Engineer will develop a Project Management Plan and Quality Control/Assurance Plan.
3. Engineer will prepare and provide monthly progress/status reports, sufficient to support monthly billings. Monthly status reports shall be submitted with monthly invoices and project updates.

B. Task II – 50% Design Deliverable

1. Garver to visit site, meet with operators and conduct field investigation.

APPENDIX A

ITEM #15.

2. Prepare 50% design drawings for one construction contract.
3. Garver will develop a list of technical specifications and develop preliminary front-end documents. Garver will utilize the Engineers Joint Council Documents Committee (EJCDC) standard documents as a base for developing the project's front-end documents. EJCDC's standard General Conditions shall be utilized with edits being provided by the Supplemental Conditions.
4. Prepare an estimate of construction quantities and develop an AACE Class 4 preliminary opinion of probable construction cost (OPCC).
5. Garver to conduct QA/QC of 50% Design based on the Project Management Plan.
6. 50% Design Workshop with the City.

C. Task IV – 90% Design Deliverable

1. During the Final Design (90%) phase of the project, Garver will incorporate the comments from the 50% reviews to complete the design.
2. Prepare 90% Design drawings for one construction contract.
3. Prepare a specification book including any technical specifications needed for the project, draft bid item description narrative, and bid item schedule. EJCDC's standard General Conditions shall be utilized with edits being provided by the Supplemental Conditions.
4. Prepare an estimate of construction quantities and develop an AACE Class 3 preliminary opinion of probable construction cost (OPCC).
5. Garver to conduct QA/QC of 90% Design based on the Project Management Plan.
6. 90% Design Workshop with the City.

D. Task V – Bid-Ready Design Deliverable

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

E. Task VI - Bidding Services

1. Bidding Assistance will include the following efforts:
 - a. Prepare and submit Advertisement for Bids to the City for newspaper publication as directed by the Owner. The owner will submit to the newspaper and will pay advertising costs outside of this contract.
 - b. Post advertisement for bids, construction contract documents, and any associated information to the Owner to be posted by Garver on its Website for download by prospective bidders.
 - c. Support the contract documents by preparing addenda as appropriate.

- d. Prepare for and participate in one pre-bid meeting.
- e. Prepare a pre-bid meeting agenda.
- f. Participate and lead a construction site tour following the pre-bid meeting by interested pre-bid meeting attendees and other interested parties.
- g. Attend the bid opening.
- h. Prepare bid tabulation.
- i. Evaluate bids and recommend awards.
- j. Attend and participate in reporting recommendation of award to Owner Council.
- k. Prepare construction contracts.
- l. Prepare conformed documents.

F. Task VII - Construction Phase Services

- 1. Attend an additional ten monthly progress/coordination meetings with the Owner/Contractor.
- 2. Evaluate and respond up to 20 construction material submittals and shop drawings relevant to this scope of services. Corrections or comments made by Garver on the shop drawings during this review will not relieve Contractor from compliance with requirements of the drawings and specifications. The check will only be for review of general conformance with the design concept of the project and general compliance with the information given in the contract documents. The Contractor will be responsible for confirming and correlating all quantities and dimensions, selecting fabrication processes and techniques of construction, coordinating his work with that of all other trades, and performing his work in a safe and satisfactory manner. Garver's review shall not constitute approval of safety precautions or constitute approval of construction means, methods, techniques, sequences, procedures, or assembly of various components. When certification of performance characteristics of materials, systems or equipment is required by the Contract Documents, either directly or implied for a complete and workable system, Garver shall be entitled to rely upon such submittal or implied certification to establish that the materials, systems or equipment will meet the performance criteria required by the Contract Documents.
- 3. Issue up to five instructions to the Contractor on behalf of the Owner and issue necessary clarifications (respond to RFIs) regarding the construction contract documents related to this scope of services.
- 4. Review the up to five Contractor's progress payment requests based on the actual quantities of contract items completed, accepted, and will make a recommendation to the Owner regarding payment. Garver's recommendation for payment shall not be a representation that Garver has made exhaustive or continuous inspections to (1) check the quality or exact quantities of the Work; (2) to review billings from Subcontractors and material suppliers to substantiate the Contractor's right to payment; or (3) to ascertain how the Contractor has used money previously paid to the Contractor.
- 5. When authorized by the Owner, prepare up to two (2) change orders for changes in the work from that originally provided for in the construction contract documents. If redesign or substantial engineering or surveying is required in the preparation of these change order documents, the Owner will pay Garver an additional fee to be agreed upon by the Owner and Garver.

APPENDIX A

ITEM #15.

The proposed fee for Construction Phase Services is based on an increase of **300 calendar-days** to the construction contract performance time. If the construction time extends beyond the time established, and the Owner wants Garver to continue the applicable Construction Phase Services, the Owner will pay Garver an additional fee agreed to by the Owner and Garver.

In performing construction phase services, Garver will endeavor to protect the Owner against defects and deficiencies in the work of the Contractor(s); but Garver cannot guarantee the performance of the Contractor(s), nor be responsible for the actual supervision of construction operations or for the safety measures that the Contractor(s) takes or should take. However, if at any time during construction Garver observes that the Contractor's work does not comply with the construction contract documents, Garver will notify the Contractor of such non-compliance and instruct him to correct the deficiency and/or stop work, as appropriate for the situation. Garver will also record the observance, the discussion, and the actions taken. If the Contractor continues without satisfactory corrective action, Garver will notify the Owner immediately, so that appropriate action under the Owner's contract with the Contractor can be taken.

DELIVERABLES

The following will be submitted to the Owner, or others as indicated, by Garver:

1. Electronic copy (pdf) of the 50% drawings and specification list with OPCC.
2. Electronic copy (pdf) of the 90% drawings and specifications with OPCC.
3. Electronic copy (pdf) of the bid-ready submittal.
4. Electronic copy (pdf) of the Final Plans and Specifications to the Contractor.
5. Two hard copies of executed contract documents
6. Electronic copy (pdf) of approved shop drawings/submittals from the Contractor.
7. Electronic files as requested.

APPENDIX A

ITEM #15.

EXTRA WORK

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

1. Site Topographic Survey;
2. Subsurface Utility Engineering Survey;
3. Geotechnical Investigation;
4. Environmental Site Assessment
5. Hydrogeologic Assessment
6. Storm Water Pollution Prevention Plan (SWPPP);
7. Design of any utilities relocation.
8. Construction materials testing.
9. Services after construction, such as warranty follow-up, operations support, etc.
10. SCADA design or programming services of any kind.
11. Arc flash or other power system studies.
12. Redesign for the Owner's convenience or due to changed conditions after previous alternate direction and/or approval.
13. Submittals or deliverables in addition to those listed herein.

APPENDIX A

ITEM #15.

SCHEDULE

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

Phase Description	Calendar Days
Kick-off Meeting	14 days from Notice to Proceed
Deliver 50% Submittal Package	45 days from Kick-off Meeting
50% Submittal Review Workshop	14 days from delivery of 50% Submittal
City to complete Geotechnical Services for new electrical building	30 days from 50% Submittal Review Workshop
Deliver 90% Submittal Package	45 days from receipt of 50% Submittal Review Comments from City
90% Submittal Review Workshop	14 days from delivery of 90% Submittal
Deliver Bid-Ready Package	30 days from receipt of 90% Submittal Review Comments from City

*Note: for planning purposes, 14 days are assumed for City review from receipt of a DRAFT submittal until comments are expected to be received.

APPENDIX B***City of Bay City, Texas******Mockingbird Water Plant Design and Const. Phase Services*****FEE SUMMARY**

Basic Services Section	Estimated Fees
TASK I - Project Administration	\$ 25,848.00
TASK II - 50% Design	\$ 57,676.00
TASK III - 90% Design	\$ 67,876.00
TASK IV - Bid-Ready Design	\$ 28,912.00
TASK V - Bidding Services	\$ 8,458.00
TASK VI - Construction Phase	\$ 46,288.00
.	\$ -
Subtotal for Basic Services Section	\$ 235,058.00

AGENDA ITEM SUBMISSION FORM

Requestor Name:	Dibbern, Alyssa	Date Submitted:	2/15/2022
	<i>Last, First</i>		<i>MM/DD/YYYY</i>
Requestor Type:	City Staff	Meeting Date:	2/22/2022
	<i>Citizen/City Staff/Council Member</i>		<i>MM/DD/YYYY</i>
Position Title	Engineering Tech		
	<i>For City Staff Only</i>		
Agenda Location:	Discussion Item		
	<i>(e.g.: Consent Agenda/ Discussion Item/ Public Hearing/ Executive Session/ Presentation)</i>		

GREENSHEET | Attachment B: H-GAC Water Resources Committee Recommended Preliminary Method of Distribution

The H-GAC Board Water Resources Committee met on February 9, 2022, to review public comments received. Based on its review, the committee voted to recommend a Preliminary Method of Distribution for Board approval which includes a formula to allocate \$488,762,000 to counties and cities in the H-GAC region based on the following objective factors:

- Disaster Damage (25%)
- Households Impacted (25%)
- Low-to-Moderate Income Population (25%)
- Population in the Floodplain (25%)

City allocations from this formula that do not meet the Texas General Land Office's minimum threshold of \$1,000,000 are rolled up into the allocation(s) of the county/counties where the city is located. The formula does not allocate funding to Harris County or to cities (or portions thereof) within Harris County since the County has been allocated \$750,000,000 for which it must develop its own Method of Distribution.

H-GAC's formula includes a base allocation amount of \$6 million for each of the federally-designated Community Development Block Grant-Mitigation Most Impacted and Distressed Counties (excluding Harris) and \$4 million for each of the State of Texas-designated Most Impacted and Distressed Counties. An additional base allocation of these amounts totaling \$62 million will be used to fund regional and urgent need priority flood mitigation projects.

The Local Government funding allocations produced by the recommended Method of Distribution formula are shown in **Table 1**. The formula was selected from five scenarios developed by staff based on public comments and committee input. **Table 2** shows the objective factors, weights, and funding options considered in each of these scenarios.

The committee also made the following recommendations to be included as part of H-GAC's Method of Distribution.

Waiver of Minimum Allocation Threshold. The General Land Office has set a minimum threshold of \$1 million for any eligible entity receiving an allocation under the Method of Distribution but allows for consideration of a waiver for specific jurisdictions. The Water Resources Committee recommended that H-GAC submit a waiver request for jurisdictions whose allocations are within 10% of the threshold. The City of Iowa Colony is the only city meeting this criterion in the recommended allocation formula.

Waiver of Low-to-Moderate Income (LMI) Threshold. The General Land Office requires that at least 50% of the funds in H-GAC's Method of Distribution must be for projects that benefit at least 51% Low-to-Moderate Income population. The Water Resources Committee voted to

recommend that H-GAC submit a waiver request to reduce the Low-to-Moderate Income funding threshold to the regional Low-to-Moderate Income average of 44%. This waiver would provide greater flexibility in developing projects that address mitigation needs at the regional or watershed level.

County Coordination with Cities - The Water Resources Committee recommended that H-GAC encourage counties to coordinate or plan projects with their cities who did not receive a direct allocation.

Reallocation of Unused Funds under the Method of Distribution - Local governments that receive allocations under the Method of Distribution will be required to acknowledge in writing that they are able to use their allocation on eligible projects that, in total, will meet the Low-to-Moderate Income funding threshold. The Water Resources Committee recommended that any allocations which are declined by local governments be re-allocated to cities within Harris County and General Law cities in the region, using the objective factors in the Method of Distribution formula. This reallocation method would also be employed to any funds allocated to local governments for projects that cannot be utilized.

Attachment B, Table 1: Local Government Allocations, H-GAC Recommended MOD Formula

Jurisdiction	H-GAC MOD Allocation by Jurisdiction	Jurisdiction	H-GAC MOD Allocation by Jurisdiction
Alvin city	\$6,000,500.38	Katy city	\$1,128,164.00
Angleton city	\$1,792,931.27	La Marque city	\$4,165,518.17
Austin county unincorporated	\$6,750,123.20	Lake Jackson city	\$2,138,653.88
Bay City city	\$3,189,452.74	League City city	\$15,561,524.83
Baytown city	\$2,686,858.46	Liberty city	\$2,684,331.37
Brazoria county unincorporated	\$43,326,945.43	Liberty county unincorporated	\$21,274,202.95
Brookshire city	\$1,309,959.05	Manvel city	\$1,557,251.35
Brookside Village city	\$1,580,215.93	Matagorda county unincorporated	\$8,048,311.11
Chambers county unincorporated	\$14,923,204.92	Missouri City city	\$5,070,896.33
Cleveland city	\$1,498,233.40	Montgomery county unincorporated	\$60,374,962.11
Clute city	\$1,220,939.36	Palacios city	\$1,384,700.63
Colorado county unincorporated	\$5,284,438.05	Patton Village city	\$1,259,091.48
Columbus city	\$1,018,348.44	Pearland city	\$14,008,885.85
Conroe city	\$7,584,676.87	Regional and urgent need projects	\$62,000,000.00
Dayton city	\$1,453,574.93	Richmond city	\$1,535,524.10
Dickinson city	\$15,761,029.82	Richwood city	\$2,456,537.52
El Campo city	\$1,554,085.23	Rosenberg city	\$4,121,319.48
Fort Bend county unincorporated	\$56,030,013.06	Santa Fe city	\$2,743,679.59
Freeport city	\$1,837,967.01	Simonton city	\$1,559,065.30
Friendswood city	\$4,636,108.85	Stafford city	\$1,228,083.21
Galveston city	\$15,761,416.68	Sugar Land city	\$4,063,639.47
Galveston county unincorporated	\$18,221,223.37	Texas City city	\$8,012,688.75
Hitchcock city	\$3,864,154.83	Walker county unincorporated	\$6,175,023.19
Holiday Lakes town	\$1,581,998.68	Waller county unincorporated	\$8,774,400.10
Houston city	\$9,232,730.04	Wharton city	\$4,360,821.44
Huntsville city	\$2,256,231.70	Wharton county unincorporated	\$11,758,515.79
Iowa Colony city	\$958,846.32	Total	\$488,762,000.00

Attachment B, Table 2: MOD Scenarios Considered by H-GAC Board Water Resources Committee

Scenarios	MOD Factors						Weights	Base Allocation	Regional and urgent need Projects	Unincorporated Harris County	Harris County Cities
	Disaster Damage (DD)		Households Impacted (HI)		LMI population (LMI)	Population in Flood Plain (FP)					
	(2002-2019)	(2015-2019)	(2002-2019)	(2015-2019)							
Scenario A: Allocation based on 2002-2019 Disaster Data, more weight to Flood Plain (less to LMI) and with allocation to regional projects	Y		Y		Y	Y	0.25DD+0.25HI+0.20LMI+0.30FP	HUDMID Counties \$6M each; StateMID Counties \$4M each	\$62M	Excluded	Included with share based on the original State Action Plan (\$209,410,000)
Scenario B: Allocation based on 2015-2019 Disaster Data, equal weights, and with allocation to regional projects		Y		Y	Y	Y	Equal weights (0.25 each)	HUDMID Counties \$6M each; StateMID Counties \$4M each	\$62M	Excluded	Included with share based on the original State Action Plan (\$209,410,000)
Scenario C: Allocation based on 2015-2019 Disaster Data, equal weights, and without allocation to regional projects		Y		Y	Y	Y	Equal weights (0.25 each)	HUDMID Counties \$6M each; StateMID Counties \$4M each		Excluded	Included with share based on the original State Action Plan (\$209,410,000)
Scenario D: Allocation based on 2015-2019 Disaster Data, equal weights, with allocation to regional projects, and excludes Harris county and its Cities		Y		Y	Y	Y	Equal weights (0.25 each)	HUDMID Counties \$6M each; StateMID Counties \$4M each	\$62M	Excluded	Excluded
Scenario E: Allocation based on 2015-2019, equal weights, without allocation to regional projects, and excludes Harris county and its Cities		Y		Y	Y	Y	Equal weights (0.25 each)	HUDMID Counties \$6M each; StateMID Counties \$4M each		Excluded	Excluded



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

AGENDA ITEM SUBMISSION FORM

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

Requestor Name: Calhoun, Barry **Date Submitted:** 02/16/2022
Last, First *MM/DD/YYYY*

Requestor Type : City Staff **Meeting Date:** 02/22/2022
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Director of Public Works
For City Staff Only

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

Agenda Content:

DISCUSS, CONSIDER, AND/OR APPROVE CITY OF BAY CITY'S AUTHORIZATION TO SUBMIT AN PROJECT INFORMATION FORM (PIF) TO REQUEST FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD (TWDB) UNDER ELIGIBLE PROGRAMS FROM THE DRINKING WATER STATE REVOLVING FUND (DWSRF) FOR ANOTHER CYCLE OF WATER IMPROVEMENT PROJECTS.

Executive Summary of Item:

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

The Public Works Department would like to submit an application to the Texas Water Development Board (TWDB) to assist with obtaining funding to make critical improvements to the City's water systems. These improvements will include upgrades to our existing water plants, current water distribution system and a new water plant at the Bay City Regional Airport.

The Public Works Department along with Garver Engineering has been working together to analyze the total efficiency of the City's water systems to determine what improvements are necessary. Once collection of all the necessary supporting documentation is complete, we will proceed with submitting the application to the TWDB for approval of funding assistance. Once the application is received by TWDB, it will be reviewed over a 90-day period at which time the City will receive notification of their decision.

It is staff's recommendation to move forward with submitting an PIF in order to continue making improvements to the City's water system.

Texas Water Development Board
Drinking Water State Revolving Fund (DWSRF)
Project Information Form (PIF)
Guidelines

Introduction

The Texas Water Development Board (TWDB) appreciates your interest in the Drinking Water State Revolving Fund (DWSRF) program. The DWSRF provides below market rate funding for the planning, design, and/or construction of water projects in compliance with the Safe Drinking Water Act. We look forward to your participation.

The Infrastructure Investment and Jobs Act appropriated additional funds for the State Revolving Fund programs, including special appropriations that will be available for “all eligible activities” in the SFY 2023 Intended Use Plan, along with other funding restricted to special eligibilities such as lead service line replacement activities and emerging contaminants. **At this time we anticipate using all or at least a substantial portion of the additional funding provided in the first year for “all eligible activities” to assist proposed projects submitted by the March 4, 2022 due date.**

PIF Submittal Deadline for Initial IUP and Requirements

Annually, the TWDB requests entities to submit new PIFs, along with updates to projects on the current IUP, to be listed in the initial SFY 2023 IUP. New submissions and updates received by the deadline will be reviewed and rated for the initial SFY 2023 IUP.

The deadline for submitting a PIF for inclusion in the initial SFY 2023 IUP is: [March 4, 2022](#).

For all PIF submission, both for inclusion in the initial IUP and for addition to the Project Priority List after the IUP is adopted, entities must submit a complete PIF either using the online system or Word version, undergo public review, and then be included on the DWSRF Intended Use Plan Project Priority List. An applicant may not submit an application unless it has received an invitation from TWDB.

To obtain a PIF or Updates, please visit the following link:

<http://www.twdb.texas.gov/financial/programs/pif.asp>

Update Forms:

To ensure we have current information in the SFY 2023 IUP, **ALL** entities must update any PIF submitted in a previous funding cycle to be included in the SFY 2023 Intended Use Plan. **At a minimum, the entity must update the readiness to proceed information, and if seeking disadvantaged community eligibility, the socioeconomic economic census data and utility rate information.**

An entity may update or amend their current project utilizing the Update Forms found here:

<http://www.twdb.texas.gov/financial/programs/pif.asp>

Texas Water Development Board
Drinking Water State Revolving Fund (DWSRF)
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Submission Options

Online Loan Application:

To submit your PIF or Financial Assistance Application online, please utilize our “Online Loan Application (OLA)” System:

<http://www.twdb.texas.gov/financial/applications/references.asp>

Email:

DWIUPsubmissions@twdb.texas.gov (File Size Must be <100MB)

Web File Transfer:

<https://onedrive.live.com/about/en-us/signin/>

After files have been uploaded, send the notice to DWIUPsubmissions@twdb.texas.gov.

How Projects Are Rated

Proposed eligible projects (except for source water protection projects) are rated by the Texas Commission on Environmental Quality (TCEQ) and are given a Combined Rating Factor. The Combined Rating Factor is based on health and compliance factors, physical deficiency factors, and consolidation factors. TWDB rates the effective management, affordability and other factors.

Program Eligibilities

Who Can Apply:

- Existing community public water systems including political subdivisions, nonprofit water supply corporations, and privately-owned community water systems
- Nonprofit, non-community, public water systems
- State agencies

Examples of Eligible Projects:

- Correct water system deficiencies including water quality, capacity, pressure, and water loss
- Upgrade or replace water systems
- Provide new or existing water service to other water systems through consolidation projects
- Purchase capacity in water systems
- Purchase water systems
- Implement green projects (pursuant to EPA guidance)
- Implement source water protection projects
- Pay for other costs necessary to secure or issue debt

Example of Ineligible Projects:

- Projects primarily intended to facilitate growth
- Construction of reservoirs
- Dams or rehabilitation of dams

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- Projects for systems in significant noncompliance, unless funding will ensure compliance
- Projects for systems that lack adequate financial, managerial, and/or technical (FMT) capability, unless assistance will ensure compliance
- Routine laboratory fees or ongoing operational expenses
- Fire protection projects (unless incidental to the main project scope)

Funding Availability

Funding capacity and additional subsidization allocations are determined on an annual basis and are detailed in the Intended Use Plan.

Additional subsidization is anticipated to be available in the form of principal forgiveness for the following:

Disadvantaged Communities - the community must meet the CWSRF program's affordability criteria based on income, unemployment rates, and population trends.

Disadvantaged Community – Small / Rural only - An entity qualified as a disadvantaged community and that additionally meets the definition of either a small community or a rural project.

Green Projects – Entities may receive subsidized Green principal forgiveness if their project has elements that are considered green and the cost of the green portion of their project is at least 30% of the total project cost. Principal forgiveness of up to 15% of the total eligible green component costs funded through the DWSRF program may be available, up to a maximum of \$1,000,000.

Very Small Systems – systems with populations of 1,000 or fewer for projects addressing public health, compliance, or water quantity issues and the Annual Median Household Income (AMHI) for the project must not exceed 150 percent of the state's AMHI. A special funding option is offered for Very Small Systems under the "Securing Safe Water Initiative".

Urgent Need – projects that address situations that require immediate attention to protect public health and safety. The proposed project must not be for replacement of facilities that have failed because they exceeded their useful life or failed due to lack of adequate maintenance. This funding option is available for three situations:

Urgent Need – Contaminants (Lead, Radionuclides, Arsenic)

Urgent Need – "Securing Safe Water" Initiative

Urgent Need – Other than Contaminants (Disasters, etc.)

Emergency Preparedness – for Severe Weather – for the preparation of an emergency preparedness evaluation/audit plan. Entities could receive principal forgiveness to determine compliance with statutory and regulatory standards of emergency operations that directly affect operation of a public water system during an extended power outage from severe weather that impacts the system. The maximum amount available for a public water system is \$75,000. The evaluation/audit must be submitted to TWDB.

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Asset Management

Assistance is anticipated to be available to encourage and promote the use of asset management tools:

Asset Management (Preparation of Asset Management tools) – Bonds/Loans - An eligible entity, not just small system, may be eligible for up to \$100,000 with an interest rate of zero percent to prepare all of the Asset Management / Financial Planning tools required in the current Asset Management Program for Small Systems (AMPSS) initiative's Scope of Work and deliverables. The entity's asset management program may include enhancements or tools that extend beyond the minimum requirements of the AMPSS program's Scope of Work. Allocation of any available funding at an interest rate of zero percent for this option would occur concurrently with the allocation of any other funding for the project.

Asset Management – (Implementation of Asset Management Plans) - Bonds/Loans - A small system eligible under AMPSS may receive up to \$500,000 at zero percent (0%) for a portion of the total TWDB funding for a project if it has implemented substantially all of the Asset Management / Financial Planning tools required in the current AMPSS initiative's Scope of Work and deliverables and the proposed project is included in its current plan. The small system's asset management program may include enhancements or tools that extend beyond the minimum requirements of the AMPSS initiative's Scope of Work.

Disadvantaged Community Eligibility

A disadvantaged community is a community that meets the DWSRF's affordability criteria based on income, unemployment rates, and population trends. The entity's Annual Median Household Income (AMHI) of the entire or portion of the service area must be less than or equal to 75% of the state's AMHI as listed in the most recent available American Community Survey (ACS) 5-Year Estimates and meet the Household Cost Factor thresholds.

Disadvantaged community status may be documented using either Census data or a survey. An entity must submit documentation that substantiates the inadequate or absent census data that led to the need to conduct a survey. All entities must obtain prior approval to use survey data instead of the most recently available American Community Survey data. Previously completed surveys, including surveys completed for funding from other sources, will be rejected if they do not follow survey methods listed in the latest version of the [Socioeconomic Survey Guidelines \(WRD-285\)](#). **An approved survey may be considered valid for the five (5) year period (60 months) prior to the date the TWDB receives the Project Information Form.**

The eligible level of principal forgiveness for a project is based on the difference between the calculated total Household Cost Factor (HCF) and the minimum HCF (the "base") of 1% (if only water or sewer service is provided) and 2% (if both water and sewer services are provided) as shown in the chart below:

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HCF Difference	Principal Forgiveness as a % of DWSRF-funded project costs remaining after subtracting other DWSRF principal forgiveness
$\geq 0\%$ and $< 1.5\%$	30%
$\geq 1.5\%$ and $< 3\%$	50%
$\geq 3\%$	70%

If using the Word version of the PIF instead of the Online Application, a Disadvantaged Community Worksheet must be submitted to be considered for this funding option.

American Community Survey (ACS) 5-Year Estimates to use for SFY 2022 and SFY 2023:

For SFY 2022, use the 2015 - 2019 ACS 5-year estimates (and for the calculating population adjustment for the Household Cost Factor, compare it to the population found in the 2011 - 2015 ACS 5-year estimates.)

For SFY 2023, use the 2015 - 2019 ACS 5-year estimates (and for the calculating population adjustment for the Household Cost Factor, compare it to the population found in the 2011 - 2015 ACS 5-year estimates.)

A spreadsheet containing this information may be found here: [Census Data Search \(WRD-284\)](#)

Viability and Feasibility of Projects

A project must demonstrate to the TWDB that it is viable, feasible, and sustainable prior to being invited to submit an application and prior to receiving a commitment for any funding option, including principal forgiveness, for the acquisition, design or construction phases of the project. A project may receive funds for the planning phase to assess the viability and feasibility of a project, including funds to prepare an asset management plan.

Urgent Need

Urgent Need projects must address situations that require immediate attention to protect public health and safety. The proposed project must not be for replacement of facilities that have failed because they exceeded their useful life or failed due to lack of adequate maintenance. (see Intended Use Plan for details)

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Readiness to Proceed

The TWDB defines readiness to proceed to construction as projects having no significant permitting, land acquisition, social, contractual, environmental, engineering or financial issues that would keep the project from proceeding in a timely manner to construction. Readiness to proceed will be used in determining which projects will receive an invitation and which project phases are eligible for funding during the fiscal year.

Cost Categories

Cost categories are associated with Section 4 of the Project Information Form. A description of each cost category is below:

A - *Treatment* - Includes any of the following: disinfection, filtration, treatment waste handling, and any other treatment (i.e., GAC, aeration, iron/manganese removal, chemical storage tanks, and sedimentation).

B - *Transmission and Distribution* - Includes raw and finished water transmission, distribution lines, valves, back flow prevention, water meters, and/or pumping stations.

C - *Source* - Includes wells, wellhead pumps, and surface water intakes.

D - *Storage* - Includes elevated, ground, and pressure tanks for finished/treated water.

E - *Purchase of Systems* - Includes all of the eligible costs funded by the DWSRF to purchase systems (e.g., as part of a consolidation/regionalization project).

F - *Restructuring* - Includes costs associated with changes in organizational structure, management, accounting, rates, or other procedures conducted to meet financial, managerial, and technical requirements.

G - *Land Acquisition* - Includes eligible costs funded by the DWSRF to acquire land.

H - *Source Water Protection* - Includes costs associated with implementing source water protection BMPs.

I - *Other* - Includes other costs that cannot be classified into Categories A-H above.

DWSRF Program Information

While an overview of certain aspects of the DWSRF program is included in this guidance document, detailed information on the DWSRF may be found in the most current Intended Use Plan. You may access the Intended Use Plan on the TWDB website at this location: www.twdb.texas.gov/financial/programs/dwsrf/

Contact Information:

If you have any questions after reading this guidance, please contact Issa McDaniel at 512-463-1706 or Issa.McDaniel@twdb.texas.gov.



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

AGENDA ITEM SUBMISSION FORM

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

Requestor Name: Calhoun, Barry **Date Submitted:** 02/16/2022
Last, First *MM/DD/YYYY*

Requestor Type : City Staff **Meeting Date:** 02/22/2022
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Director of Public Works
For City Staff Only

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

Agenda Content:

DISCUSS, CONSIDER, AND/OR APPROVE CITY OF BAY CITY'S AUTHORIZATION TO SUBMIT AN PROJECT INFORMATION FORM (PIF) TO REQUEST FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD (TWDB) UNDER ELIGIBLE PROGRAMS FROM THE CLEAN WATER STATE REVOLVING FUND (CWSRF) FOR ANOTHER CYCLE OF WASTEWATER IMPROVEMENT PROJECTS.

Executive Summary of Item:

The Clean Water State Revolving Fund, authorized by the Clean Water Act, provides low-cost financial assistance for planning, acquisition, design, and construction of wastewater, reuse, and stormwater infrastructure. Eligible applicants for the CWSRF include cities, counties, districts, river authorities, designated management agencies, authorized Indian tribal organizations, and public and private entities proposing nonpoint source or estuary management projects

The City of Bay City will be submitting an application to the Texas Water Development Board (TWDB) to assist with obtaining funding in an effort to make critical improvements to the City's wastewater systems. These improvements will include upgrades to our existing wastewater treatment plant if necessary, wastewater lift stations, and wastewater collection system.

The Public Works Department along with Garver Engineering has been working together to analyze the total efficiency of the City's wastewater system to determine what improvements are necessary. Once collection of all the necessary supporting documentation is complete, we will proceed with submitting the application to the TWDB for approval of funding assistance. Once the application is received by TWDB, it will be reviewed over a 90-day period at which time the City will receive notification of their decision.

It is staff's recommendation to move forward with submitting an PIF in order to continue making improvements to the City's wastewater system.

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Introduction

The Texas Water Development Board (TWDB) appreciates your interest in the Clean Water State Revolving Fund (CWSRF) program. The CWSRF program assists communities by providing below market rate financing for a wide range of wastewater, stormwater, and pollution control projects. We look forward to your participation.

The Infrastructure Investment and Jobs Act appropriated additional funds for the State Revolving Fund programs, including special appropriations that will be available for “all eligible activities” in the SFY 2023 Intended Use Plan, along with other funding restricted to special eligibilities such as emerging contaminants. **At this time we anticipate using all or at least a substantial portion of the additional funding provided in the first year for “all eligible activities” to assist proposed projects submitted by the March 4, 2022 due date.**

PIF Submittal Deadline for Initial IUP and Requirements

Annually, the TWDB requests entities to submit new PIFs, along with updates to projects on the current IUP, to be listed in the initial SFY 2023 IUP. New submissions and updates received by the deadline will be reviewed and rated for the initial SFY 2023 IUP.

The deadline for submitting a PIF for inclusion in the initial SFY 2023 IUP is: **[March 4, 2022](#)**.

For all PIF submission, both for inclusion in the initial IUP and for addition to the Project Priority List after the IUP is adopted, entities must submit a complete PIF either using the online system or Word version, undergo public review, and then be included on the CWSRF Intended Use Plan Project Priority List. An applicant may not submit an application unless it has received an invitation from TWDB.

To obtain a PIF or Updates, please visit the following link:

<http://www.twdb.texas.gov/financial/programs/pif.asp>

Update Forms:

To ensure we have current information in the SFY 2023 IUP, **ALL** entities must update any PIF submitted in a previous funding cycle to be included in the SFY 2023 Intended Use Plan. **At a minimum, the entity must update the readiness to proceed information, and if seeking disadvantaged community eligibility, the socioeconomic economic census data and utility rate information.**

An entity may update or amend their current project utilizing the Update Forms found here:

<http://www.twdb.texas.gov/financial/programs/pif.asp>

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Online Loan Application:

To submit your PIF or Financial Assistance Application online, please utilize our “Online Loan Application (OLA)” System:

<http://www.twdb.texas.gov/financial/applications/references.asp>

Email:

CWIUPsubmissions@twdb.texas.gov (File Size Must be <100MB)

Web File Transfer:

<https://onedrive.live.com/about/en-us/signin/>

After files have been uploaded, send the notice to CWIUPsubmissions@twdb.texas.gov.

How Projects Are Rated

Each submitted project is rated by TWDB and staff based on the following:

- Publicly Owned Treatment Works (POTW) and other projects eligible under Federal Water Pollution Control Act Sections 603(c)(4)-(11) are rated based on capacity factors, environmental compliance factors, service to unserved areas, innovative or alternative technology factors, impact on stream segments, recycling/reuse, providing technical assistance, and regional service factors.
- Non-Point Source (NPS) projects are rated based on public health factors, impact on groundwater, implementation of watershed protection plans, and impaired water body factors.
- Estuary management projects are rated on implementation of Coastal Impact Assistance Program objectives.

All projects are rated on water conservation, implementation of water plans, energy efficiency, asset management, and affordability factors.

Each rated project is placed on a priority ranked list, which the TWDB uses to develop the IUP and to establish a Project Priority List.

Program Eligibilities

Who Can Apply:

- Wastewater treatment management agencies, including interstate agencies and water supply corporations that have been designated and approved as a management agency in the Texas Water Quality Management Plan
- Cities, commissions, counties, districts, river authorities, or other public bodies created by or pursuant to state law that have authority to dispose of sewage, industrial waste, or other waste
- Intermunicipal, interstate, or State agencies
- Authorized Indian tribal organizations
- Private entities for nonpoint source projects or estuary projects only

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(A water supply corporation that has been designated and approved as a management agency in the Texas Water Quality Management Plan is considered a “municipality” and is therefore eligible for funding for Publicly Owned Treatment Works and other activities.)

Examples of Eligible Projects:

CWSRF program funding can be used for the planning, acquisition, design, and construction of projects to:

- Create or improve wastewater treatment facilities, reuse/recycle facilities, and collection systems
- Purchase existing wastewater treatment plants
- Control nonpoint source pollution, including acquisition of conservation easements and permanent or long-term acquisition of water rights by entities eligible under state law that will result in a substantial public water quality benefit
- Manage estuaries
- Implement green projects (pursuant to EPA guidance)
- Pay for other costs necessary to secure or issue debt
- Purchase land necessary for construction on an eligible project
- Manage, reduce, treat, or recapture stormwater or subsurface drainage water
- Reduce the demand for publicly owned treatment works capacity through water conservation, efficiency, or reuse (for a municipality or intermunicipal, interstate, or State agency only)
- Develop and implement watershed pilot projects
- Reduce the energy consumption needs for publicly owned treatment works (for a municipality or intermunicipal, interstate, or State agency only)
- Re-use or recycle wastewater, stormwater, or subsurface drainage water
- Increase the security of publicly owned treatment works
- Water meters as a water conservation measure (to address, for example, water loss if a utility’s total water loss meets or exceeds the threshold established in TWDB rules.)

Examples of Ineligible Projects:

- Projects primarily intended to facilitate growth
- Publicly Owned Treatment Works (POTW) (as defined in Section 212) projects for systems that are owned by a private entity or any other entity that is not considered a municipality or intermunicipal, interstate, or State agency
- Treatment works owned or operated by a federal agency
- Excavation, testing, remediation, or disposal of hazardous, contaminated, or potentially contaminated material

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Funding Availability

Funding capacity and additional subsidization allocations are determined on an annual basis and are detailed in the Intended Use Plan.

Additional subsidization is anticipated to be available in the form of principal forgiveness for the following:

Disadvantaged Communities - the community must meet the CWSRF program's affordability criteria based on income, unemployment rates, and population trends.

Disadvantaged Community – Small / Rural only - An entity qualified as a disadvantaged community and that additionally meets the definition of either a small community or a rural project.

Green Projects – Entities may receive subsidized Green principal forgiveness if their project has elements that are considered green and the cost of the green portion of their project is at least 30% of the total project cost. Principal forgiveness of up to 15% of the total eligible green component costs funded through the CWSRF program may be available, up to a maximum of \$1,000,000.

Urgent Need – to address situations that require immediate attention to protect public health and safety. They may result from (1) a catastrophic natural event or accident resulting in the loss of service to over 20 percent of the wastewater service connections; (2) situations that require immediate attention to address a substantial, imminent public health issue affecting at least 20 percent of the wastewater service connections; (3) situations that require immediate attention to address a substantial, imminent public health issue affecting at least 20 percent of the wastewater service provided to customers from severe flood damage that occurred during a Governor or Presidential declared natural disaster; and (4) other situations as established by TWDB guidelines. (Note: This is the same funding as Emergency Relief in the Texas Administrative Code, 31 TAC 375).

Emergency Preparedness – for Severe Weather – for the preparation of an emergency preparedness evaluation/audit plan. Entities could receive principal forgiveness to determine compliance with statutory and regulatory standards of emergency operations that directly affect operation of an eligible wastewater system during an extended power outage from severe weather that impacts the system. The maximum amount available for an eligible wastewater system is \$75,000. The evaluation/audit must be submitted to TWDB.

Asset Management

Assistance is anticipated to be available to encourage and promote the use of asset management tools:

Asset Management (Preparation of Asset Management tools) – Bonds/Loans - An eligible entity, not just small system, may be eligible for up to \$100,000 with an interest rate of zero percent to prepare all of the Asset Management / Financial Planning tools required in the current Asset Management Program for Small Systems (AMPSS) initiative's Scope of Work and deliverables. The entity's asset management program may include enhancements or tools that extend beyond the minimum requirements of the AMPSS program's Scope of Work. Allocation of any available funding at an interest rate of zero percent for this option would occur concurrently with the allocation of any other funding for the project.

Asset Management – (Implementation of Asset Management Plans) - Bonds/Loans - A small system eligible under AMPSS may receive up to \$500,000 at zero percent (0%) for a portion of the total TWDB funding for a project if it has implemented substantially all of the Asset Management / Financial Planning tools required in the current AMPSS initiative's Scope of Work and deliverables and the proposed project is included in its

Texas Water Development Board
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current plan. The small system's asset management program may include enhancements or tools that extend beyond the minimum requirements of the AMPSS initiative's Scope of Work.

Disadvantaged Community Eligibility

A disadvantaged community is a community that meets the CWSRF's affordability criteria based on income, unemployment rates, and population trends. The entity's Annual Median Household Income (AMHI) of the entire or portion of the service area must be less than or equal to 75% of the state's AMHI as listed in the most recent available American Community Survey (ACS) 5-Year Estimates and meet the Household Cost Factor thresholds.

Disadvantaged community status may be documented using either Census data or a survey. An entity must submit documentation that substantiates the inadequate or absent census data that led to the need to conduct a survey. All entities must obtain prior approval to use survey data instead of the most recently available American Community Survey data. Previously completed surveys, including surveys completed for funding from other sources, will be rejected if they do not follow survey methods listed in the latest version of the [Socioeconomic Survey Guidelines \(WRD-285\)](#). **An approved survey may be considered valid for the five (5) year period (60 months) prior to the date the TWDB receives the Project Information Form.**

The eligible level of principal forgiveness for a project is based on the difference between the calculated total Household Cost Factor (HCF) and the minimum HCF (the "base") of 1% (if only water or sewer service is provided) and 2% (if both water and sewer services are provided) as shown in the chart below:

HCF Difference	Principal Forgiveness as a % of CWSRF-funded project costs remaining after subtracting other CWSRF principal forgiveness
$\geq 0\%$ and $< 1.5\%$	30%
$\geq 1.5\%$ and $< 3\%$	50%
$\geq 3\%$	70%

If using the Word version of the PIF instead of the Online Application, a Disadvantaged Community Worksheet must be submitted to be considered for this funding option.

American Community Survey (ACS) 5-Year Estimates to use for SFY 2022 and SFY 2023:

For SFY 2022, use the 2015 - 2019 ACS 5-year estimates (and for the calculating population adjustment for the Household Cost Factor, compare it to the population found in the 2011 - 2015 ACS 5-year estimates.)

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For SFY 2023, use the 2015 - 2019 ACS 5-year estimates (and for the calculating population adjustment for the Household Cost Factor, compare it to the population found in the 2011 - 2015 ACS 5-year estimates.)

A spreadsheet containing this information may be found here: [Census Data Search \(WRD-284\)](#)

Viability and Feasibility of Projects

A project must demonstrate to the TWDB that it is viable, feasible, and sustainable prior to being invited to submit an application and prior to receiving a commitment for any funding option, including principal forgiveness, for the acquisition, design or construction phases of the project. A project may receive funds for the planning phase to assess the viability and feasibility of a project, including funds to prepare an asset management plan.

Readiness to Proceed

The TWDB defines readiness to proceed to construction as projects having no significant permitting, land acquisition, social, contractual, environmental, engineering or financial issues that would keep the project from proceeding in a timely manner to construction. Readiness to proceed will be used in determining which projects will receive an invitation and which project phases are eligible for funding during the fiscal year.

CWSRF Program Information

While an overview of certain aspects of the CWSRF program is included in this guidance document, detailed information on the CWSRF program may be found in the most current Intended Use Plan. You may access the Intended Use Plan on the TWDB website at this location: www.twdb.texas.gov/financial/programs/CWSRF/

Contact Information:

If you have any questions after reading this guidance, please contact, Issa McDaniel, at 512-463-1706 or Issa.McDaniel@twdb.texas.gov



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: Bay City Main Street Program/Camofest Committee
PRINTED NAME and/or CITY DEPARTMENT

Date Submitted: 02/15/2022

☐ Citizen

☒ City Department

☐ Council Member

Address: 1112 7th Street
Bay City, Texas 77414

Preferred contact: ☒ Cell _____
☐ E-mail _____

☐ Work phone _____
☐ Fax _____

I respectfully request the below item be placed on the 02/22/2022 Agenda for City Council consideration.

- 1) Describe Item to be considered and area of City involved, if any: 6th Annual Camofest financial summary from January 29th 2022.

- 2) Executive Summary of Item and action by council sought: No action from council just giving information

- 3) Do you need time to present this item ☐ No

If so, how much? 10 minutes

ADMIN / OFFICIAL USE ONLY:

Consent Item: ☐ Yes ☐ NoAny Prior City Council Action: ☐ Yes ☐ No

Deadline for City Council Action: _____

Projected Future City Council Action: _____

Fiscal Impact: _____

Staff Recommendation on this requested item:

Mayor's Office ☐ Yes ☐ No ☐ Na
 City Attorney's Office ☐ Yes ☐ No ☐ Na
 City Secretary Department ☐ Yes ☐ No ☐ Na
 Finance Department ☐ Yes ☐ No ☐ Na
 Police Department ☐ Yes ☐ No ☐ Na

Public Works ☐ Yes ☐ No ☐ Na
 Community Service ☐ Yes ☐ No ☐ Na
 (AP, PR, MS, and LB)
 Utility Department ☐ Yes ☐ No ☐ Na

Staff Comments: _____

Anticipated Time necessary for Item: _____

TRACKING:

Received by City Secretary: _____ Staff Initial

Administratively Complete: _____ Staff Initial

Date of Agenda placed for consideration: _____ Staff Initial

Council action taken: _____ on _____

☐ Yes ☐ No ☐ Na

SIGNATURE – City Secretary's Office