



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, August 24, 2021 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K Nelson

Mayor Pro Tem: Jason W. Childers

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

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

AGENDA

THE FOLLOWING ITEM WILL BE ADDRESSED AT THIS OR ANY OTHER MEETING OF THE CITY COUNCIL UPON THE REQUEST OF THE MAYOR, ANY MEMBER(S) OF COUNCIL AND/OR THE CITY ATTORNEY:

ANNOUNCEMENT BY THE MAYOR THAT COUNCIL WILL RETIRE INTO CLOSED SESSION FOR CONSULTATION WITH CITY ATTORNEY ON MATTERS IN WHICH THE DUTY OF THE ATTORNEY TO THE CITY COUNCIL UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH THE OPEN MEETINGS ACT (TITLE 5, CHAPTER 551, SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE).

CALL TO ORDER

INVOCATION & PLEDGE

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

Councilwoman Floyce Brown

CERTIFICATION OF QUORUM

MISSION STATEMENT

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

Councilwoman Floyce Brown

APPROVAL OF AGENDA

PUBLIC COMMENTS

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

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

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

- 1. Minutes of Regular Council Meeting on July 27, 2021**
- 2. Minutes of Council Workshop on August 10, 2021**
- 3. Minutes of Regular Council Meeting on August 10, 2021**

PUBLIC HEARINGS

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

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 5. Presentation ~ Presentation of Airport of the Year to the Bay City Regional Airport to James Mason, Airport Manager.**
- 6. Proposal ~ Discuss, consider, and/or approve a proposed Interlocal Agreement with Matagorda County to assist with costs related to road repairs. Shawna Burkhart, City Manager**
- 7. Presentation ~ Presentation of Regional Drainage Study. Matt Braezeale, Jones & Carter**
- 8. Budget ~ Discuss cost of street rehabilitation for Moore and Highland Additions to include utilities. Barry Calhoun, Public Works Director**
- 9. Contract ~ Discuss, consider, and/or approve awarding the construction quote for the City Hall Roof Replacement Project to Centurion Industries Inc. in the amount of \$ 247,810.00 and authorize the City Manager to execute a contract to form by the City Attorney. Scotty Jones, Finance Director**
- 10. Tax ~ Consider placing a proposal to adopt a Tax Rate for the 2022 Fiscal Year as an action item on the agenda of a future Council meeting, specifying therein the desired tax rate and publishing notice thereof. Scotty Jones, Finance Director**
- 11. Tax ~ Consider setting a Public Hearing on the Proposed 2022 Fiscal Year Tax Rate for Thursday, September 9, 2021. Scotty Jones, Finance director**
- 12. Budget ~ Consider setting a Public Hearing on the City of Bay City's proposed 2022 Fiscal Year Budget and the City of Bay City's Five-Year Capital Improvement Plan for Thursday, September 9, 2021. Scotty Jones, Finance Director**

- 13. Budget ~ Consider setting a Public Hearing on the Bay City Community Development Corporation's proposed 2022 Fiscal Year Budget for Thursday, September 9, 2021.** Scotty Jones, Finance Director

CLOSED / EXECUTIVE SESSION

OPEN SESSION

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

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

ADJOURNMENT

AGENDA NOTICES:

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

Attendance By Other Elected or Appointed Officials: It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized: This agenda has been reviewed and approved by the City's legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of Texas Government Code Chapter 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy Texas Government Code Chapter 551.144(c) and the meeting is conducted by all participants in reliance on this opinion.

CERTIFICATION OF POSTING

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Friday, August 20, 2021 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 • JULY 27, 2021

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 meeting was called to order by Mayor Robert K. Nelson at 6:03 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**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 Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

PUBLIC COMMENTS

Donnye Stone thanked Council for repair of Nile Valley. Ms. Stone also Invited council to see new facility for CAST and production.

Darrell Toombs has issues with City water billing of \$1000 and he has no leaks, not thrilled with how they have handled. He also criticized how the City is doing the road patch work and lack of Police presence.

David Torrez complained about Del La Rosa subdivision streets.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

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

1. **Minutes of City Council Regular Meeting on June 22, 2021.**
2. **Meeting minutes of City Council Budget Workshop held on July 13, 2021**
3. **Ratify an agreement authorizing AEP Texas to replace upon failure of an existing street light fixture with corresponding alternative AEP LED Street Light.**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

4. Public Hearing ~

Proposed amendment to the city's 2019 CDBG-DR Program Contract No. 20-065-048-C142. This amendment will add additional improvements including a bar screen cleaner, SCADA tower, trash box, sidewalk, driveway and fencing to the project while maintaining the same beneficiaries, scope and budget as the original project.

Alyssa Dibbern spoke regarding the amendment to the contract. City will go out for bid, 3 month extension deadline. There were no public comments.

5. Public Hearing ~

Receive comments from members of the public concerning the Bay City Gas Company's notice of intent to increase rates effective August 1, 2021 establishing the rate schedule is set out fully in the Notice of Intent attached hereto.

David Torrez asked why rate increase and city approval. Mayor replied that freeze created a large purchase and this is a pass through.

6. Rates ~ Discuss, consider, and/or approve the Bay City Gas Company's Notice of Intent to increase rates effective August 1, 2021.

Lawerence Gwin, Attorney for Bay City Gas Company, stated that there was an unusual weather event. causing gas purchased by the Gas Company to go from 3 per mcf to 400 mcf rate. Cost of gas is passed through customers and the Gas Company Board agreed to take the hit but need to recover those funds.

Mayor Pro Tem Childers pointed out that this happened to many utilities and pointed out that this is not price gouging by the Gas Company, we all are feeling it. Mayor Nelson added that this is the fairest way, they've talked to Austin, and this is the plan they came up with.

Mr. Gwin added that they want to get these prices down. Mayor Pro Tem Childers pointed out that the gas service was not interrupted. Councilman Westmoreland asked if there a method of controlling prices if this happens again and Mr. Gwin stated that they are looking at various methods, but none come cheap.

Kevin Hecht, Gas Company, reviewed the rates changes and increase based on usage. Mayor Nelson asked if this was over approximately 5 years? Mr. Hecht replied yes.

Motion made by Councilwoman Brown to approve the Bay City Gas Company's increase rates, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

7. Variance ~ Discuss, consider, and/or a approve a variance to section 114-70 and 114-111 of the Code of Ordinance permitting the use of the existing water well and new septic system installation on property located at AB 009, Boman & Williams, Tract 25, 39.81 acres (2100 Pine Knoll Road).

Lee Payne, property owner, stated that he recognizes that city services are going to be a challenge and the lift station is gravity fed. Barry Calhoun stated that the city utilities are more than the 300 ft from Mr. Payne's property and is he is okay with them doing private well and septic.

Motion made by Mayor Pro Tem Childers to approve the variance allowing for permitting of use of the existing water well and installing new septic system on property located at 2100 Pine Knoll Road, Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

8. Bid Award ~ Discuss, consider, and/or award the construction bid for the AMI Water Meter Replacement Project under the Texas Water Development Board Funding for the Drinking Water SRF Projects to Accurate Utility Supply and authorize the Mayor and/or City Manager to execute a contract approved to form by the City Attorney between the City of Bay City, Texas and Accurate Utility Supply.

Barry Calhoun, Public Utilities, stated that he had presented at the last city meeting and brought recommendations and addition information was requested. The engineer is looking for best value, and has provided a chart with vendor's side by side.

Councilman Westmoreland asked about data points and scoring, and the Wade Parks, Garver Representative answered that the ranking did not change

Shawna Burkhart, City Manager asked about the performance bond and Mr. Parks replied it was 5%. Ms. Burkhart stated that her experience with 3rd parties installation there were problems and wants to know how the contract will address. Mr. Parks replied that Accurate will do the installation and they are procuring from badger.

Mayor Pro Tem Childers stated that with Siemens there was a caveat regarding a licensing fee and Mr. Parks replied that was an option to negotiate with the contractor to add items or red line but they have not seen any hidden costs.

The contract has been forwarded to Legal for review.

Motion made by Mayor Pro Tem Childers to award the construction bid for the AMI Water Meter Replacement Project to Accurate Utility Supply, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

9. Resolution ~ Discuss, consider and/or approve a resolution of the City Council of the City of Bay City, Texas recognizing the appointments to the Board of Directors of Reinvestment Zone Number One (#1), City of Bay City.

Motion made by Mayor Pro Tem Childers to approve the Resolution recognizing the appointments to the Board of Directors of Reinvestment Zone Number #1 with legal revisions, Seconded by Councilwoman Sitz. 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 Council of the City of Bay City, Texas recognizing the appointments to the Board of Directors of Reinvestment Zone Number Two (#2), City of Bay City.

Motion made by Councilman Westmoreland to approve the Resolution recognizing the appointments to the Board of Directors of Reinvestment Zone Number #2 with legal revisions, Seconded by Mayor Pro Tem Childers. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilwoman Sitz, Councilman Westmoreland. Voting Abstaining: Councilman Folse. Motion carried.

11. Resolution ~ Discuss, consider and/or approve a resolution of the City Council of the City of Bay City, Texas recognizing the appointments to the Board of Directors of Reinvestment Zone Number Three (#3), City of Bay City.

Motion made by Councilman Westmoreland to approve the Resolution recognizing the appointments to the Board of Directors of Reinvestment Zone Number #3 with legal revisions, Seconded by Councilwoman Sitz. Voting Yea: Mayor Nelson, Mayor Pro

Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

12. Policy ~ Discuss, consider, and/or approve the appointment of Council Members as Liaisons to City Administrative Divisions.

Motion made by Councilwoman Brown to approve the Council Members as Liaisons to City Administrative Divisions, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion Carried.

CLOSED / EXECUTIVE SESSION

13. Legal ~ Executive Session pursuant to Section 551.071 of the Texas Government code (Consultation with Counsel on legal matters).

Council adjourned into an Executive Session at 7:20 pm.

OPEN SESSION

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

Council reconvened into a Regular Session at 7:37 and took no action on item number 13.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

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 7:43 pm.

PASSED AND APPROVED, this 24th day of August 2021.

JASON CHILDERS, MAYOR PRO TEM
CITY OF BAY CITY, TEXAS

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • AUGUST 10, 2021

COUNCIL
CHAMBERS | 1901
5th Street

City Council Workshop - 5 year plan

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 meeting was called to order at 4:03 pm by Mayor Pro Tem Jason Childers.

CERTIFICATION OF QUORUM**PRESENT**

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

ABSENT

Mayor Robert K. Nelson, excused

PUBLIC COMMENTS

There were no public comments.

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND / OR APPROVAL**1. Budget ~ Discuss the Fiscal Year 2022 Five (5) Year Capital Improvement Plan.**

Scotty Jones, Finance Director, reviewed new budget calendar and the five year plan handouts. Shawna Burkhart, City Manager, added that the purpose was to narrowing scope from 10 to 5 year so we can look at what is coming up. This provides a scope of what to work on next year and if not totally sold on it then let us know.

Ms. Jones, Directors, and Council reviewed capital improvements proposed over the next five years by department and their funding sources.

Barry Calhoun, Public Works Director, stated that the City has been awarded a 15 million dollar grant for drainage and there are 20 projects. Councilman Folse requested a list of those projects. There were discussions regarding "Railroad Project" and Council agreed to revisit and review.

ADJOURNMENT

Motion made by Councilman Westmoreland to adjourn the meeting, Seconded by Councilwoman Brown. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and Council adjourned at 5:52 pm.

PASSED AND APPROVED, this 24th day of August 2021.

JASON CHILDERS, MAYOR PRO TEM
CITY OF BAY CITY, TEXAS

JEANNA THOMPSON
CITY SECRETARY

CITY OF BAY CITY

MINUTES • AUGUST 10, 2021

COUNCIL
CHAMBERS | 1901
5th Street

City Council Regular Meeting (Updated)

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

Meeting was called to order by Mayor Pro Tem Jason Childers at 6:10 pm.

INVOCATION & PLEDGE

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

Councilman James Folse

CERTIFICATION OF QUORUM**PRESENT**

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

ABSENT

Mayor Robert K. Nelson

MISSION STATEMENT

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

Councilman James Folse

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

There were no comments.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

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

1. Minutes of Regular Council Meeting on July 13, 2021

2. Minutes of Council Workshop on July 27, 2021**REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL****3. Personnel ~ Discuss, consider, and/or approve the 2021-2022 City of Bay City Employee Benefits Plan.**

Rhonda Clegg, Director of Human Resources, recapped from last workshop regarding bids and offering a 3rd option for employees of an HMO plan. Councilman Westmoreland would like to include personnel education on the HMO plan.

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

4. Property ~ Review and discussion of proposed location and remodeling costs of Public Safety Services and provide direction of project.

Robert Lister, Chief of Police, presented the proposal on \$10,600,000 to remodel existing property. Shawna stated that the land to purchase is \$30,000 acre to buy land to build, Engineeris have estimated to build new cost is same as remodeling existing building. There is still the decision to add fire department or leave them in their current location. Shawna Burkhart, City Manager, recommends backing out the fire department, due to fire department expressing they would like to stay where they are at. Mayor Pro Tem Childers stated that we need to be forward thinking if we were to go to an un-volunteer fire department. Councilwoman Brown stated that the fire department would have use of the old Police Department building and they have expressed wanting to stay there. Ms. Burkhart stated that there is room for the Fire Department to grow in new location and use the current location as substation. Ms. Burkhart recommended the Fire Chief attend discussion in meeting on his opinions.

5. Report ~ Discuss, consider, and/or approve the City's Quarterly Financial and Investment Report for the quarter ending June 30, 2021.

Scotty Jones, Finance Director. reviewed and provided summary stating that we are now at 75% of the budget.

Motion made by Councilwoman Brown to approve the quarterly Financial and Investment Report, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

6. Financials ~ Discuss, consider, and/or approve financial assistance with Matagorda County street repairs to 12th Street. Shawna Burkhart, City Manager

Shawna Burkhart, City Manager, state that this request came in late and County Commissioner Frick is asking us to participate in the repairs to 12th and share in cost.

Mayor Pro Tem Childers stated that he thinks the amount is reasonable. Ms. Burkhart added that the County would like to start as soon as possible, but she told him it may be a 2 year process since we have done our five year plan and need to get this added. Councilman Westmoreland would like the Commissioners input to the plan. Council expressed interest requested more info and took no action.

7. Appointment ~ Discuss, consider, and/or approve the re-appointment of William Bell Jr. as TIRZ #1 Chairman of the Board.

Motion made by Councilman Folse to approve the re-appointment of William Bell Jr. as the TIRZ #1 Chairman, Seconded by Councilwoman Brown. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

8. Appointment ~ Discuss, consider, and/or approve the re-appointment of William Bell Jr. as TIRZ #2 Chairman of the Board.

Motion made by Councilman Folse to approve the re-appointment of William Bell Jr. as the TIRZ #2 Chairman, Seconded by Councilwoman Brown. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried.

CLOSED / EXECUTIVE SESSION

Council adjourned into an Executive session as 6:52 pm.

9. Personnel ~ Closed meeting to discuss personnel matters in accordance with Title 5, Section 551.074 of the Texas Government Code (To discuss appointment, employment, evaluation, responsibilities and duties, reassignment, discipline or dismissal of an officer or employee, or to hear a complaint or charge against an officer or employee: City Councilmember

OPEN SESSION

Council reconvened at 7:55 into a regular session and took no action on item #9.

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

Councilwoman Sitz requested an Ordinance on noise be worked on. Mayor Pro Tem stated that the mayor is in our prayers and to pray for his speedy recovery,.

ADJOURNMENT

Motion made by Councilwoman Brown to adjourn, Seconded by Councilwoman Sitz. Voting Yea: Mayor Pro Tem Childers, Councilwoman Brown, Councilman Folse, Councilwoman Sitz, Councilman Westmoreland. Motion carried and the meeting was adjourned at 7:56 pm.

PASSED AND APPROVED, this 24th day of August 2021.

JASON CHILDERS, MAYOR PRO TEM

CITY OF BAY CITY, TEXAS

JEANNA THOMPSON

CITY SECRETARY

Sec. 66-27. - Parental control and responsibility.

- (a) *Definitions.* For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them:

Delinquent acts means those acts which violate the laws of the United States, or the statutes of the State of Texas or the ordinances of the city, or those acts which would cause or tend to cause the minor to come under the jurisdiction of the state family code, the juvenile justice code, the alcoholic beverage code, the education code or other applicable laws of the state or the United States, but does not include traffic violations.

Illegal drugs means controlled substances obtained without a legal prescription.

Juvenile delinquent means those minors whose behavior interferes with the rights of others or menaces the welfare of the community.

Minor means any person under the age of 18 years residing with a parent.

Parent means mother, father, legal guardian and any other person having the care or custody of a minor or any person acting in the parents' stead who has custody or control of the minor.

- (b) *Parental duties.*

- (1) It is the continuous duty of the parent of any minor to exercise reasonable control to prevent the minor from committing any delinquent act.
- (2) Included (without limitation) in this continuous duty of reasonable parental control are the following parental duties:
 - a. To keep illegal drugs or illegal firearms out of the home and legal firearms locked in places that are inaccessible to the minor.
 - b. To know the curfew ordinance of the city, and to require the minor to observe the curfew ordinance.
 - c. To require the minor to attend regular school sessions and to forbid the minor to be absent from class without parental or school permission.
 - d. To take the necessary precautions to prevent the minor from maliciously or willfully destroying real, personal or mixed property which belongs to the city or is located in the city.
 - e. To forbid the minor from keeping stolen property, illegally possessing firearms or illegal drugs, or associating with known juvenile delinquents, and to seek help from appropriate governmental authorities or private agencies in handling or controlling the minor, when necessary.

- (b) *Notification of parents; record of notification.*

- (1) Whenever a minor is arrested or detained for the commission of any delinquent act within the city, the parent of the minor shall be immediately notified by the city police department, advising the parent of such arrest or detention, the reason therefor, and the parent's responsibility under this section.
- (2) A record of such notifications shall be kept by the city police department.

- (c) *Parental violation and penalty.*

- (1) No parent or guardian of any minor under the age of 18 years shall fail to exercise reasonable parental control over such minor. An adjudication that the minor has violated a provision of this Code which is a misdemeanor or a finding that the minor is responsible for a violation of this Code which is deemed a civil infraction shall be prima facie evidence that such parent or guardian failed to exercise reasonable parental control.
- (2) Pursuant to the violation of this Code, the parent or guardian of the minor shall be held civilly responsible for the damages caused by the commission of any delinquent act within the city.

- (3) Upon the first conviction of a violation of this section, the parent shall be subject to a fine of not less than \$75.00, nor more than \$100.00.
- (4) Upon the second conviction of a violation of this section, the parent shall be subject to a fine of not less than \$100.00, nor more than \$500.00, and in addition, shall be sentenced to probation with the condition that the parent participate in, through completion, a court approved, community-based treatment program (such as parenting skills, family services, employment and training, etc.).
- (5) Upon the third or subsequent violation and conviction, the parent shall be subject to a fine of not less than \$200.00, nor more than \$500.00.

(Code 1985, § 19-9; Code 2000, § 66-36)



Shawna Burkhart

From: Karen Hickl <khickl@co.matagorda.tx.us>
Sent: Thursday, August 12, 2021 7:34 AM
To: Shawna Burkhart
Subject: Fwd: Estimate for Repairs to 12th Street -Bay City
Attachments: Estimate for 12th Street-Bay City.pdf

Here is the Attachment.
Karen Hick-Pct 4

From: "Karen Hickl" <khickl@co.matagorda.tx.us>
To: "sburkhart@cityofbaycity.org" <sburkhart@cityofbaycity.org>
Date: Thu, 12 Aug 2021 07:32:23 -0500
Subject: Estimate for Repairs to 12th Street -Bay City

Shawna,

Attached is an Estimate for the total cost to **Repair 12th Street in Bay City**. This cost would then be shared in half between Matagorda County Pct 4 and the City of Bay City, if it is approved thru your people. Then it will go to our County Attorney to have a (MOA) Mutual Operating Agreement prepared, and they will get back to your City of Bay City people.

Commissioner Bubba Frick said that you told him you will be in touch after August 24th, to let him know if you want to move forward with this project.

Thank you, and we will be waiting to hear back from you.

Karen Hickl for Commissioner Bubba Frick
Matagorda County Pct 4
Office 361-588-6866

Matagorda Construction & Materials

2221 SH 35 South
Bay City, TX 77414
(979) 323-9911 / (979) 241-2232
mcandm@yahoo.com

Estimate

ESTIMATE# 57019539
DATE 06/30/2021
PO#

CUSTOMER

Matagorda County Precinct #4
Matagorda County Precinct #4

SERVICE LOCATION

Matagorda County Precinct #4
Matagorda County Precinct #4
12th Street Bay City

DESCRIPTION

Bid is to repair existing road. Road will be mixed & portland cement installed in subgrade. Top road with two course chip seal.

Estimate

Description	Qty	Rate	Total
Portland Cement Cement	150.00	185.00	27,750.00
Reclaimer/Stabilizer	110.00	365.00	40,150.00
Maintainer	130.00	80.00	10,400.00
3410 Pad Roller	130.00	57.50	7,475.00
3410 Smooth Drum Roller	130.00	57.50	7,475.00
PS-150 Pneumatic Roller	75.00	57.50	4,312.50
Water Truck	110.00	39.50	4,345.00
Labor	835.00	30.00	25,050.00
Haul Truck W/Lowboy Trailer	8.00	95.00	760.00
Two Course without coverstone without primer 5,365'x26'= 15,498.89	15498.89	2.16	33,477.60
PB grade 3 Rock	250.00	61.00	15,250.00
PB grade 4 Rock	250.00	61.00	15,250.00

CUSTOMER MESSAGE

Estimate Total:

\$191,695.10

ITEM #6.

ITEM #6.



CHARLES "BUBBA" FRICK
Commissioner Precinct 4
Matagorda County



Office: 361-588-6866
Fax: 361-588-7126
P. O. Box 99
El Maton, Texas 77440
Email: prec4@co.matagorda.tx.us
Mobile: 979-479-9589
P. O. Box 965
Marathon, Texas 77456



* 12th Street in Bay City.

DISCUSS, CONSIDER, AND/OR APPROVE AWARDING THE CONSTRUCTION QUOTE FOR THE CITY HALL ROOF REPLACEMENT PROJECT TO CENTURION INDUSTRIES INC. IN THE AMOUNT OF \$ 247,810.00 AND AUTHORIZE THE CITY MANAGER TO EXECUTE A CONTRACT TO FORM BY THE CITY ATTORNEY.



EXECUTIVE SUMMARY

CITY HALL ROOF REPLACEMENT

BACKGROUND:

City Hall's last known re-roof was in 2001. Current roof is a hot mop roofing system (heated tar product with asphalt paper with rock on top). Cleaning of current drains has helped with the water coming into City Hall, however the slight slope in this new roof design should prove to be a better system. Please see www.alertroofsystems.com.

Centurion Industries Inc. (A-Lert Roofing System) is a The Interlocal Purchasing System (TIPS) vendor. TIPS is a national purchasing cooperative that offers City's access to competitively procured purchasing contracts to its membership. TIPS is housed and managed by Region 8 Education Service Center located in Pittsburg, Texas.

FINANCIAL IMPLICATIONS:

\$247,810- Funding Source (Increased Sales Tax & Covid-19 reimbursements to General Fund)- Amendment will follow

RECOMMENDATION:

Staff recommends City Council approve the quote to install a new roof.

ATTACHMENTS: Quote



Centurion Industries, Inc.
A-Lert Roof System Division
2065 FM 1102
New Braunfels, TX 78132
P (800) 344-0609 * F (830) 643-1912



July 13, 2021

Ms. Shawna Burkhardt
Bay City Manager
1901 5th St.
Bay City, TX 77414

Dear Ms. Burkhardt:

We respectfully submit the following proposal to manufacture and install an A-Lert Standing Seam Roof System (approximately 12,646 square feet) on the City Hall building, located in Bay City, TX.

Scope of work: Manufacture and install a standing seam roof system with new flashing, gutter, downspouts and trim as required. Roof panels will have a Kynar 500 finish and be continuous in length from eave to ridge eliminating panel end laps. Includes the following items.

Material Specifications:

1. Roof Panel – 24 gauge steel with a Kynar 500 finish. A-Lert “SSR” panel, 16” wide with a 2” high major rib corrugation. Roof pitch to be 1/2”:12”. Concealed fasteners. UL-90.
2. Purlins and Verticals – per A-Lert’s engineers design requirements. Members to be red oxide primer and labor to install.
3. Gutter – 6” x 6” x 24 gauge with a prefinished Kynar 500 finish and labor to install.
4. Downspouts – 3-1/2” x 4” prepainted to match gutter and labor to install.
5. Trim and other flashing – 24 gauge with a Kynar 500 finish and labor to install. Trims and flashings; including Hip, Valley, Eave, and Ridge Cap.
6. Roof jacks, rain caps, pipe extensions and labor to install.
7. Roof Curb – 1/8” Aluminum sheets and labor to install.
8. Warranty – 20 year manufactures’ finish and watertightness warranty.
9. TIPS Cooperative.
10. Performance Bond.
11. Windstorm Certificate.

The following are excluded items and material:

1. Any work not directly related to new standing seam metal roofing as shown per A-Lert’s proposal drawing.
2. Disconnecting, reconnecting, lowering or raising of any HVAC units, power vents, antennas, satellites, or wiring.
3. Any type of demolition.
4. Sales Tax.
5. Building Permit.
6. Prevailing Wages.

7. Cash Allowance or Contingencies.
8. Architectural Fees, and Inspection of existing structure by a structural engineer.
9. Any work with the existing framing structure, decking or sheathing and labor to install.
10. Any work to the existing flat roofs, metal roofs, shingle roofs, wall panels or soffit panels.
11. Concrete or Masonry work, HVAC, Mechanical, Gas, Electrical, and Plumbing.
12. Any work involved with the existing fascia mounted lighting, cameras, satellite, sensors, electrical boxes, conduit, antennas, or wiring.
13. Ductwork and labor to extend from existing to the new roof curbs.
14. Roof insulation or vapor barriers and labor to install.
15. Downspout boots or splash blocks and labor to install.
16. Wall or Soffit panels and labor to install.
17. Any work with Asbestos, LEAD, mold, or mildew.
18. Landscaping, tree or bush trimming, or removal and haul-off from job-site.
19. Snow guards and labor to install.
20. Any work with signage, letters, or plaques.
21. Crane rental.
22. Any work with doors, windows, canopies, awnings, or skylights.
23. Any work with painting.
24. Firewall, fire barrier, fire partitions, smoke barriers, smoke partitions and draft stops.

The above described work on the City Hall building can be done for a lump sum total of:

Two Hundred Thirty-Seven Thousand Four Hundred Ten and No/100 Dollars \$237,410.00

Alternate: Add 12 – Downspout boots and labor to install.

Add Ten Thousand Four Hundred and No/100 Dollars \$10,400.00

Terms- 25% down upon acceptance of this proposal, monthly draws during construction and balance upon completion. Proposal good fourteen days. Tax is excluded from bids. Customer must provide proper proof of tax exemption to avoid sales tax. **THIS PROPOSAL IS BASED UPON NO REQUIRED MODIFICATIONS TO THE EXISTING SUB-STRUCTURE. CUSTOMER RESPONSIBLE FOR REMOVAL AND DISPOSAL OF ANY ASBESTOS MATERIALS OR ANY OTHER HARMFUL SUBSTANCES THAT MAY BE ENCOUNTERED AT THE JOBSITE.**

Due to the volatility of the steel market, this proposal is only valid for 14 days from proposed date.

This document summarizes a project A-Lert Roof Systems proposes to perform for you. It will automatically be withdrawn 14 days after the date on the face of this project summary. The parties shall endeavor to promptly enter into written contract after execution of this document summary under terms (which may differ from those presented in the document summary) agreeable to both parties. In no event shall A-Lert Roof Systems be bound by this project summary if A-Lert Roof Systems determines that its customer credit worthiness standards have not been met.

If we can be of any further assistance or if you have any questions, please don't hesitate to call me at 1-801-368-3436.

Respectfully submitted,

Glenn Stewart

Glen Stewart
Regional Account Representative
Centurion Industries, Inc.
A-Lert Roof Systems Division

ACCEPTANCE

You are hereby authorized to complete the work described in the above proposal, for which I agree to pay the amount mentioned above.

Total Amount.....\$ _____
Deposit.....\$ _____
Balance.....\$ _____

DATE: _____

ACCEPTED: _____

_____(title)

~ CONSIDER PLACING A PROPOSAL TO ADOPT A TAX RATE FOR THE 2022 FISCAL YEAR AS AN ACTION ITEM ON THE AGENDA OF A FUTURE COUNCIL MEETING, SPECIFYING THEREIN THE DESIRED TAX RATE AND PUBLISHING NOTICE THEREOF.



EXECUTIVE SUMMARY

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

Debt service requirements for the City of Bay City are currently \$.16363 of the current **proposed** property tax rate of \$.XXXXX. The City has eight outstanding debt issues. At the end of Fiscal Year 2022, outstanding general obligation bond and certificates of obligation bonds will be \$27,167,000 however only \$9,957,758 is currently supported by property taxes.

Note: The new public hearing notice for the tax hearing requires a record vote on the proposed rate.

2021 Governing Body Summary #2A*
Tax Increase Compared to No-New-Revenue Tax Rate
City of Bay City

ITEM #10.

(NNR)

Date: 08/15/2021 02:35 PM

INCREASE IN CENTS PER \$100	TAX RATE PER \$100	TAX LEVY**	ADDITIONAL TAX LEVY***
0.00 <i>NNR Tax Rate</i>	\$0.61062	\$5,807,691	\$0
0.50	\$0.61562	\$5,855,247	\$47,556
1.00	\$0.62062	\$5,902,802	\$95,111
1.50	\$0.62562	\$5,950,358	\$142,667
2.00	\$0.63062	\$5,997,914	\$190,223
2.50	\$0.63562	\$6,045,469	\$237,778
3.00	\$0.64062	\$6,093,025	\$285,334
3.50	\$0.64562	\$6,140,581	\$332,890
4.00	\$0.65062	\$6,188,136	\$380,445
4.50	\$0.65562	\$6,235,692	\$428,001
5.00	\$0.66062	\$6,283,248	\$475,557
5.50	\$0.66562	\$6,330,803	\$523,112
6.00	\$0.67062	\$6,378,359	\$570,668
6.50	\$0.67562	\$6,425,915	\$618,224
7.00	\$0.68062	\$6,473,471	\$665,780
7.50	\$0.68562	\$6,521,026	\$713,335
8.00	\$0.69062	\$6,568,582	\$760,891
8.50	\$0.69562	\$6,616,138	\$808,447
9.00	\$0.70062	\$6,663,693	\$856,002
9.50	\$0.70562	\$6,711,249	\$903,558
10.00	\$0.71062	\$6,758,805	\$951,114
10.50	\$0.71562	\$6,806,360	\$998,669
11.00	\$0.72062	\$6,853,916	\$1,046,225
11.50	\$0.72562	\$6,901,472	\$1,093,781
12.00	\$0.73062	\$6,949,027	\$1,141,336
12.50	\$0.73562	\$6,996,583	\$1,188,892
13.00	\$0.74062	\$7,044,139	\$1,236,448
13.50	\$0.74562	\$7,091,694	\$1,284,003
14.00	\$0.75062	\$7,139,250	\$1,331,559
14.50	\$0.75562	\$7,186,806	\$1,379,115
15.00	\$0.76062	\$7,234,362	\$1,426,671
15.50	\$0.76562	\$7,281,917	\$1,474,226
16.00	\$0.77062	\$7,329,473	\$1,521,782
16.50	\$0.77562	\$7,377,029	\$1,569,338
17.00	\$0.78062	\$7,424,584	\$1,616,893
17.50	\$0.78562	\$7,472,140	\$1,664,449
18.00	\$0.79062	\$7,519,696	\$1,712,005
18.50	\$0.79562	\$7,567,251	\$1,759,560
19.00	\$0.80062	\$7,614,807	\$1,807,116
19.50	\$0.80562	\$7,662,363	\$1,854,672
20.00	\$0.81062	\$7,709,918	\$1,902,227

*Voter Approval
tax rate = .65445*

*These figures are provided as estimates of possible outcomes resulting from varying the tax rate. Please be aware that these are only estimates and should not be used alone in making budgetary decisions.
**Tax levies are calculated using line 21 of the No-New-Revenue Tax Rate Worksheet.
***Tax increase compared to no-new-revenue tax rate.

~ CONSIDER SETTING A PUBLIC HEARING ON THE PROPOSED 2022 FISCAL YEAR TAX RATE FOR THURSDAY, SEPTEMBER 9, 2021 (IF REQUIRED).



EXECUTIVE SUMMARY

PUBLIC HEARING DATE:
THURSDAY, SEPTEMBER 9, 2021 AT 6 PM

Sec. 26.06. NOTICE, HEARING, AND VOTE ON TAX INCREASE. (a) A public hearing required by Section [26.05](#) may not be held before the fifth day after the date the notice of the public hearing is given.

~ CONSIDER SETTING A PUBLIC HEARING ON THE PROPOSED 2022 FISCAL YEAR BUDGET AND CAPITAL IMPROVEMENT PLAN FOR THURSDAY, SEPTEMBER 9, 2021.



EXECUTIVE SUMMARY

PUBLIC HEARING DATE:
THURSDAY, SEPTEMBER 9, 2021 AT 6 PM

BUDGET HEARING WILL BE ON THE FOLLOWING:

FY 2022 Proposed Budget- City of Bay City (Charter section 10.05)
Five-Year Capital Improvement Program FY 2022-2026 (Charter section 10.16)

All City Budget Information will be available online at www.cityofbaycity.org/193/Budget/

~ CONSIDER SETTING A PUBLIC HEARING ON THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S PROPOSED 2022 FISCAL YEAR BUDGET FOR THURSDAY, SEPTEMBER 9, 2021.



EXECUTIVE SUMMARY

PUBLIC HEARING DATE:

THURSDAY, SEPTEMBER 9, 2021 AT 6 PM

FY 2022 Proposed Budget- Bay City Community Development Corporation

All City Budget Information will be available online at www.cityofbaycity.org/193/Budget/