



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, November 14, 2023 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K Nelson

Mayor Pro Tem: Blayne Finlay

Council Members: Benjamin Flores, Bradley Westmoreland, Becca Sitz, Jim Folse

Vision Statement

Through a united and collaborative effort, we seek to grow the City of Bay City with a diverse culture that is proud to call Bay City home. We envision a thriving family-centered community where citizens are involved in the future development of our city. We desire our citizens to work, play, worship and shop in the community in which we live. Visitors are welcomed and encouraged to enjoy the friendly environment and amenities the citizens and business owners have created together.

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 AND CERTIFICATION OF QUORUM

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 Blayne Finlay

MISSION STATEMENT

The City of Bay City is committed to fostering future economic growth by collaborating with our citizens, employers, current and future businesses, as well as the Community and Economic Development Centers. We strive to deliver superior municipal services and to invest in quality-of-life initiatives such as housing, businesses, jobs and activities for all citizens. We make a concerted effort to respond to resident's concerns in a timely and professional manner in order to achieve customer satisfaction.

Mayor Pro Tem Blayne Finlay

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.

ACKNOWLEDGEMENT FROM CITY MANAGER**CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL**

- 1. Accounts Payable, Direct Payable and Utility Refunds for July, August and September 2023.**
- 2. Consider and/or approve invoices recommended by the TIRZ #1 Board to pay out of TIRZ #1 Funds.**
- 3. Consider and/or approve invoices recommended by the TIRZ #2 Board to pay out of TIRZ #2 Funds.**
- 4. City Council Regular meeting minutes of October 31, 2023.**

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 5. Municipal Court 3rd Quarter and Fiscal Year End Report.** Katy Plunkett, Court Administrator
- 6. Library Quarterly Report and Updates.** Samantha Denbow, Library Director

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

- 7. Planning ~ Discuss, consider, and/or approve a recreation program in conjunction with Bay City Gas Company.** Kevin Hecht, Bay City Gas Co. & Shawna Burkhart, City Manager
- 8. Ordinance ~ Discuss, consider, and/or approve and Ordinance regulating the use of Golf Carts, Neighborhood Vehicles, and other types of recreational Off-Highway Vehicles by adding a new Article VII to Chapter 110 of the City of Bay City Code of Ordinances; Providing for codification; fixing a penalty for failure to comply with such ordinance; repealing any conflicting ordinances; and setting an effective date.** Councilman Benjamin Flores
- 9. Bid ~ Discuss and consider the selection of the best value proposer, LEM Construction, using Competitive Sealed Proposals process for the North and East Water Treatment Plant Project under the Texas Water Development Board Funding for the Drinking Water SRF Projects under the Texas Water Development Board funding and begin the negotiation process to include value engineering to reduce costs to the City so that project would be economically feasible.** Herb Blomquist, Public Works Director

- 10. Grants ~ Discuss, consider, and or approve various equipment to be funded by the American Rescue Plan Funds and authorize staff to proceed with procurement.** Krystal Mason, Assistant Public Works Director
- 11. TIRZ ~ Discuss and/or approve agreement between City of Bay City and Vista Planning and Design (landscape architect) for landscaping in TIRZ #1 green space as recommended by TIRZ #1 Board and to be reimbursed with TIRZ #1 funds.** Scotty Jones, Assistant City Manager
- 12. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024A (CWSRF) in connection with the receipt of financial assistance from the Texas Water Development Board through the Clean Water State Revolving Fund, and approving other matters incidental thereto.** Scotty Jones, Assistant City Manager
- 13. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024B (DWSRF) in connection with the receipt of financial assistance from the Texas Water Development Board through the Drinking Water State Revolving Fund, and approving other matters incidental thereto.** Scotty Jones, Assistant City Manager
- 14. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024C (DWSRF) in connection with the receipt of financial assistance from the Texas Water Development Board through the Drinking Water State Revolving Fund for Arsenic Mitigation Projects, and approving other matters incidental thereto.** Scotty Jones, Assistant City Manager
- 15. Resolution ~ A Resolution by the City Council of the City of Bay City, Texas, authorizing publication of notice of intention to issue its Tax and Surplus Revenue Certificates of Obligation, Series 2024D (DWSRF) in connection with the receipt of financial assistance from the Texas Water Development Board through the Drinking Water State Revolving Fund for Arsenic Mitigation Projects, and approving other matters incidental thereto.** Scotty Jones, Assistant City Manager
- 16. Report ~ Discuss, consider, and/or approve the City's Quarterly Investment Report for the quarter ending September 30, 2023.** Scotty Jones, Assistant City Manager
- 17. Resolution ~ Discuss, consider, and/or adopt a Resolution restricting all oversized/overweight vehicles from the roadways near any schools during the hours of 7:00 a.m. and 8:30 a.m.**

CLOSED / EXECUTIVE SESSION

18. **Executive Session pursuant to the Texas Government Code Section 551.087 to discuss economic development negotiations.**
19. **Executive Session pursuant to Section 551.071 of the Texas Government Code (Consultation with Counsel on Legal Matters)**

RECONVENE AND ACTION

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

ADJOURNMENT

AGENDA NOTICES:

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.

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 **Thursday, November 9, 2023 before 6:00 p.m.** Any questions concerning the above items, please contact the Mayor and City Manager's office at (979) 245-2137.

AGENDA ITEM REQUEST FOR CITY COUNCIL APPROVAL

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

ACCOUNTS PAYABLE	07/07/23
ACCOUNTS PAYABLE	07/14/23
ACCOUNTS PAYABLE	07/21/23
ACCOUNTS PAYABLE	07/28/23

ACCOUNTS PAYABLE	08/04/23
ACCOUNTS PAYABLE	08/11/23
ACCOUNTS PAYABLE	08/17/23
ACCOUNTS PAYABLE	08/25/23
ACCOUNTS PAYABLE	09/08/23
ACCOUNTS PAYABLE	09/15/23
ACCOUNTS PAYABLE	09/19/23
ACCOUNTS PAYABLE	09/22/23
ACCOUNTS PAYABLE	09/29/23

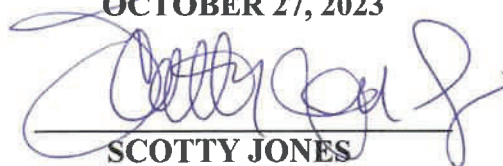
DIRECT PAYABLES	07/19/23
DIRECT PAYABLES	08/09/23
DIRECT PAYABLES	08/10/23
DIRECT PAYABLES	09/05/23
DIRECT PAYABLES	09/11/23
DIRECT PAYABLES	09/26/23

UTILITY REFUNDS	07/07/23
UTILITY REFUNDS	07/14/23
UTILITY REFUNDS	07/24/23
UTILITY REFUNDS	08/11/23
UTILITY REFUNDS	08/28/23
UTILITY REFUNDS	08/31/23
UTILITY REFUNDS	09/11/23

RESPECTFULLY SUBMITTED,

ASSISTANT CITY MANAGER/CFO

OCTOBER 27, 2023


 SCOTTY JONES

AGENDA ITEM FOR CITY COUNCIL APPROVAL

Consider/Approve TIRZ 1 expenditures as recommended by the TIRZ Board on November 6, 2023

Tax Increment Reinvestment Zone #1

The Board of Directors shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. (Ord. 1556, 1567)

FY 23 Payments

Invoice Date	Invoice #	Requested/ Recommended by	Check Amount	Payee	Description	Category	Check #
6/1/2023		N/A	\$3,832.36	City of Bay City	FY 2023 2.5% Admin Fee	Administrative Costs	N/A
TOTAL			\$3,832.36				

AGENDA ITEM FOR CITY COUNCIL APPROVAL

Consider/Approve TIRZ 2 expenditures as recommended by the TIRZ Board on November 6, 2023

Tax Increment Reinvestment Zone #2

The Board of Directors shall make recommendations to the City Council concerning the administration, management, and operation of the Zone. (Ord. 1557, 1568)

FY 23 Payments

Invoice Date	Invoice #	Requested/ Recommended by	Check Amount	Payee	Description	Category	Check Date
6/1/2023		N/A	\$3,849.79	City of Bay City	2.5% Admin Fee	Administrative Costs	
3/23/2023	10101-4	TIRZ Board	\$165,000.00	Bay City Community Development Corporation	Reimb. Water Improvements	Open Space Improvements	400350
9/30/2023	10101-5	TIRZ Board	\$135,000.00	Bay City Community Development Corporation	Reimb. Water Improvements	Open Space Improvements	402157
TOTAL			\$303,849.79				

Invoice in the amount of \$2,845,190.62 was approved by TIRZ Board on May 16, 2018, however funds were not available.

CITY OF BAY CITY

MINUTES • OCTOBER 31, 2023

**COUNCIL
CHAMBERS | 1901
5th Street**

City Council Regular Meeting

5:00 PM

**1901 5TH STREET
BAY CITY TX, 77414**



Mayor

Robert K. Nelson

Mayor Pro Tem

Blayne Finlay

Councilman

Jim Folse

Councilman

Bradley Westmoreland

Councilwoman

Becca Sitz

Councilman

Benjamin Flores

Through a united and collaborative effort, we seek to grow the City of Bay City with a diverse culture that is proud to call Bay City home. We envision a thriving family-centered community where citizens are involved in the future development of our city. We desire our citizens to work, play, worship and shop in the community in which we live. Visitors are welcomed and encouraged to enjoy the friendly environment and amenities the citizens and business owners have created together.

CALL TO ORDER AND CERTIFICATION OF QUORUM

The meeting was called to order by Mayor Robert K. Nelson at 5:02 p.m.

PRESENT

Mayor Robert K. Nelson
Mayor Pro Tem Blayne Finlay
Councilman Benjamin Flores
Councilman Jim Folse
Councilman Brad Westmoreland
Councilwoman Becca Sitz

INVOCATION & PLEDGE

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Councilman Bradley Westmoreland

MISSION STATEMENT

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Councilman Bradley Westmoreland

APPROVAL OF AGENDA

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

PUBLIC COMMENTS

There were no public comments.

ACKNOWLEDGEMENT FROM CITY MANAGER

Shawna Burkhart commended the Public Works Director, Assistant Public Works Director, and Wesley Davis for clearing the water mains broken and road projects.

ITEMS / COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS

Mayor Pro Tem Finlay likes what Public Works has done, Mayor Pro Tem Finlay added that the Rice Festival parade was well attended and that the Police Department looked professional and thanked the Fire Department for their assistance. Councilman Folse stated that he would like an app to track citizen requests. Councilman Folse asked everyone to be careful driving tonight. Councilwoman Sitz stated that she would like to see people working on Highway 35 and 60. Mayor Nelson thanked the road and bridge department for fixing 50 potholes in two days with the new equipment. Councilman Westmoreland asked Mayor Nelson if there have been any updates on the railroad tracks on 35 and Mayor Nelson responded that he has had no response from the Railroad other than it should be done by the end of the year.

Councilman Flores thanked staff for the Public Works Facebook posting. Councilman Flores also addressed some comments on Facebook regarding his pigs and read a statement in regards to new legislation for "right to farm". Councilman Westmoreland stated that he received emails and texts and wants to set the record straight that he was not notified of Councilman Flores' pigs being brought back into the city limits. Councilman Westmoreland played a recording of public comments made by Councilman Flores during past council meeting. Councilman Flores stated that he never asked Council to change their mind and that this is State legislature. Mayor Pro Tem Finlay requested 100% clarification from the attorney and that his vote is still firm and does not want pigs.

CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL

1. City Council Regular meeting minutes of October 10, 2023.

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

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

2. Property ~ Discuss, consider, and/or approve a declaration of data processing materials and equipment as salvage property and authorize staff to dispose of said salvage property through the use of an e-waste salvage provider.

Mark Flash, IT Manager, requested Council to declare property as salvage. Mr. Flash stated that the equipment was unusable and had no value and has an e-waste provider to pick up at no charge. Councilman Flores asked if hard drives have been removed and Mr. Flash stated yes.

Motion made by Councilwoman Sitz to approve a declaration of data processing materials and equipment as salvage property and authorize staff to dispose of said salvage property through the use of an e-waste salvage provider, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion

carried.

3. Grants ~ Discuss, consider, and or approve various equipment to be funded by the American Rescue Plan Funds and authorize staff to proceed with procurement.

Krystal Mason, Assistant Public Works Director, presented stating that the paver was added. Shawna Burkhart, City Manager, added that she had asked a Commissioner regarding sharing equipment. All four commissioners share equipment and have a lot of projects, so unlikely they can share with the City. Councilman Folse asked if prioritized, what would be taken off and Ms. Mason replied the pneumatic roller. Councilman Westmoreland asked how much is left in ARPA funds and Ms. Burkhart replied she did not have that information readily available. Council asked that the pneumatic roller be brought back to council if funding available.

Motion made by Councilman Folse to approve various equipment to be funded by the American Rescue Plan Funds and authorize staff to proceed with procurement with exception of the pneumatic roller. Seconded by Councilman Westmoreland. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

4. Agreement ~ Discuss, consider, and/or approve a Professional Services Agreement between the City of Bay City, Texas and LSPS Solutions, LLC for conducting Phase 2 of a study of the City of Bay City's water system service lines and preparing a service line inventory to comply with the U.S. EPA Revised Lead and Copper Rule, budgeted in Fiscal Year 2024 Capital Improvement Plan.

Herb Blomquist, Public Works Director, stated that the service line inventory was necessary to comply with a unfunded legislative mandate but the project is in budget. City will be able to identify many lines while at site repairs.

Motion made by Councilwoman Sitz to approve a Professional Services Agreement between the City of Bay City, Texas and LSPS Solutions, LLC, Seconded by Councilman Westmoreland.

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

5. Minutes ~ Discuss, consider, and/or approve the revised minutes of the Regular Council Meeting on December 20, 2022. Jeanna Thompson, City Secretary

Jeanna Thompson, City Secretary, explained that item #6 of the minutes lacked a motion. Ms. Thompson stated she reviewed the recording and made the revisions from the recording to item #6.

Motion made by Councilwoman Sitz to approve the revised minutes of the Regular Council Meeting on December 20, 2022, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

6. Resolution ~ Discuss, consider, and/or approve a Resolution authorizing the City of Bay City to cast its official ballot for the Board of Directors for the Matagorda County Appraisal District. Robert K. Nelson, Mayor

Motion made by Councilman Flores to approve a Resolution authorizing the City of Bay City to cast its official ballot for the Board of Directors for the Matagorda County Appraisal District, Seconded by Mayor Pro Tem Finlay. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried.

7. Planning ~ Discuss and take action on the adoption of a truck route for the City of Bay City, Texas. Councilwoman Becca Sitz

Motion made by Councilwoman Sitz to adopt a proposed truck route with no funding, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Voting Nay: Mayor Pro Tem Finlay. Motion carried.

8. Planning ~ Discuss and take action on future aquatic priorities and projects. Councilman Flores

Council took no action.

CLOSED / EXECUTIVE SESSION

Council adjourned into an executive session at 6:19 p.m.

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

RECONVENE AND ACTION

Council reconvened back into regular session at 7:04 p.m. and took no action.

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

Councilman Folse thanked the crews for fixing the concrete on avenue J. Councilwoman Sitz stated that re-striping needs to be done on 6th street. Councilwoman Sitz also commented on the loan forgiveness meeting with Shawna Burkhart, Scotty Jones, TWDB, Garver and other entities, we found out by accident that on our application we are not low income. Shawna Burkhart explained that it came from census. Councilman Flores requested that the 2040 Plan

items be trackable and ask Council to consider a retreat. Councilman Flores also stated that he has received concerns that Tourism was not out there and need a strong strategy.

ADJOURNMENT

Motion made by Councilman Westmoreland to adjourn, Seconded by Councilman Folse. Voting Yea: Mayor Nelson, Mayor Pro Tem Finlay, Councilman Flores, Councilman Folse, Councilman Westmoreland, Councilwoman Sitz. Motion carried and Council adjourned at 7:14 p.m.

PASSED AND APPROVED, this 14th day of November 2023.

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

JEANNA THOMPSON
CITY SECRETARY



Quarterly Update July-Sept. 2023

MUNICIPAL COURT

Numbers at a glance

Violations Filed July-Oct. 2023	2022	Completed July-Oct. 2023	2022
Felony	104	139	Comm. Serv 11 6
Class A & B Misd.	130	149	Admin. Judgment 1 4
State Law	47	85	Dismissed DSC 27 25
Traffic	270	230	Dismissed after Def. 14 16
City Ordinance	29	29	Dismissed by Comp. 7 7
Parking	5	0	Voided Charge 7
Total Violations Filed:	585	632	Presented Insurance 0 2
			Dismissed by Judge 6 5
			Compliance Dismissal 20 19
			Dismissed by Pros. 28 50
			Jail Time Served 53 154
			Paid Fine 229 183
			Transferred Felony 99 147
			Transferred Misd. 132 146
			Grand Total Completed 634 770

Warrants

Issued

July-Sept.	'23	'22
Traffic	102	191
State Law	14	18
City Ordinance	3	4
Parking	0	0
Felony	36	52
Misdemeanor	47	30
Total Issued	202	295

Cleared

July-Sept.	'23	'22
Traffic	78	120
State Law	12	33
City Ordinance	4	4
Parking	0	0
Felony	34	56
Misdemeanor	52	32
Total Issued	180	245

Fines & Fees Collected

July-Sept. 2023

\$53,912.46

July-Sept. 2022

\$53,459.17

Web Payments 36

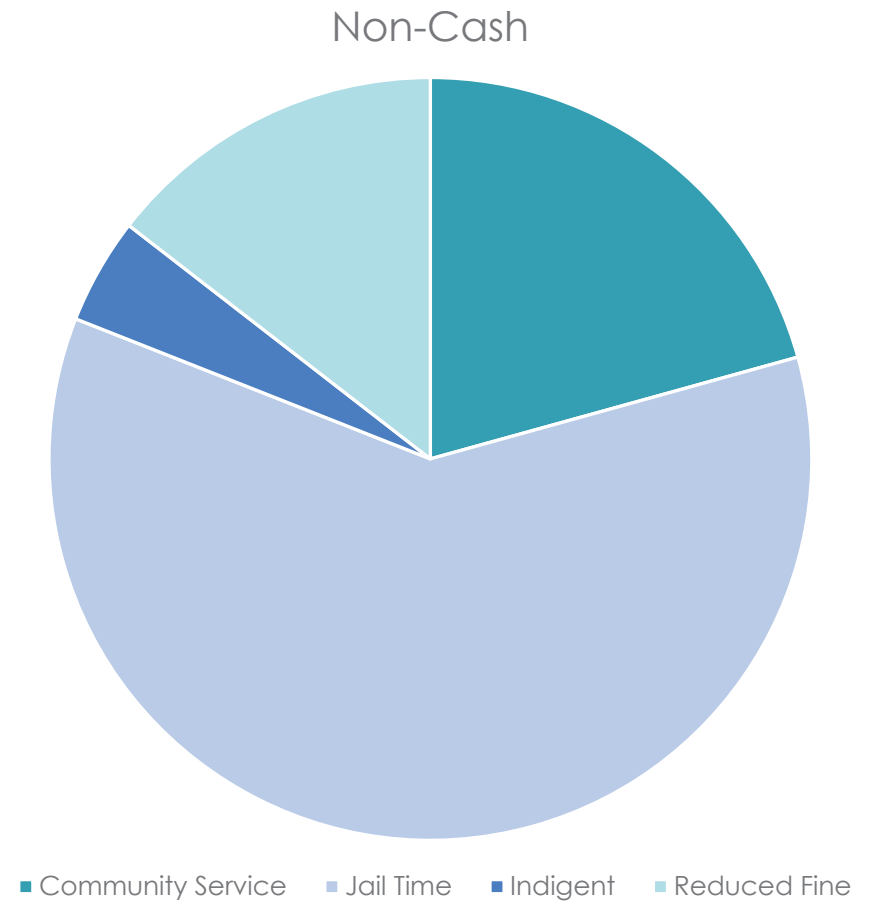
\$8,701.00

Web Payments 33

\$4,781.00

Non-Cash Totals

- Community Service \$10,289.50
- Jail Time \$29,967.82
- Indigent \$2,238.00
- Reduced Fine \$7,214.06
- Total \$49,709.38



Magistrations

- Class A/B Misdemeanors 29
- Felonies 33
- Requests for counsel A/B 0
- Requests for counsel Felonies 1

End of Fiscal Year numbers

- Violations Filed 10/1/22-09/30/23

• Traffic	1,068	↓ 334
• State Law	221	↓ 59
• City Ord.	89	↑ 1
• Felony	378	↓ 103
• A/B Misd.	413	↓ 43
• Parking	8	↑ 2
• Total	2,177	<536>

Completed Cases

- Paid Fine

• Traffic	857
• State law	154
• City Ord.	37
• Parking	3

Other Completed	
Admin Judgment	3
Comm. Serv	43
Dismissed DSC	72
Dismissed after Def.	62
Dismissed by Complainant	15
Dismissed/Presented Insurance	5
Dismissed by Judge	27
Compliance Dismissal	82
Dismissed Unable to Prosecute	3
Dismissed by Prosecutor	124
Jail Time Served	319
Voided Charge	21
Transfer Felony	381
Transfer Misd	393
Total Completed	2,609

Warrants

- Issued

• Traffic	398
• State Law	74
• City Ord.	13
• Felony	144
• A/B Misd.	129
• Parking	3
• Total	761

- Cleared

• Traffic	472
• State Law	109
• City Ord.	14
• Felony	151
• A/B Misd.	124
• Parking	3
• Total	873

Fines/Fees Collected

• 2022-2023	2021-2022	
\$231,081.90	\$278,141.64	↓ \$47,059.74
2020-2021	2019-2020	2018-2019
\$301,168.04	\$336,979.31	\$301,974.47
2017-2018	2016-2017	2015-2016
\$297,771.43	\$370,623.92	\$399,683.17



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: Denbow, Samantha **Date Submitted:** 11/8/2023
Last, First *MM/DD/YYYY*

Requestor Type : City Staff **Meeting Date:** 11/14/2023
Citizen/City Staff/Council Member *MM/DD/YYYY*

Position Title Library Director
For City Staff Only

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

Agenda Content:

Report: Library Quarterly Report and Updates

Executive Summary of Item:

Enter Text Here.

Bay City Public Library FY23 Quarterly Report – 4th Quarter

Stat	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Year Total
Physical Circulation	7310	8063	9232	9282	33,887
Digital Circulation	1546	1776	1725	1954	7,001
Computer Use	667	785	948	957	3,357
Foot Traffic (Bay City)	3500	5649	8537	8234	25,920
Foot Traffic (Sargent)	372	518	490	876	2,256
Number of Programs	55	82	61	109	307
Program Attendance	1768	1238	1256	1398	5,660
Reference Questions	Not tracked	527 (January not tracked)	777	1076	2380
Volunteer Hours	2047				2047
Room Reservations	160				160

Highlights from Quarter 4

Programs:

- Summer Program finished in July with the finale and top reader celebration on August 1, 2023. Total minutes read for the summer is 193,559 minutes.
- Regular programs returned at the end of August. Staff held another successful Parent Child Workshop.
- Teen participation is growing. There are a handful of programs this year that had less than 10 teens in attendance. Current attendance is 15-28 depending on the week.

Outreach: (Strategic Plan goal is to participate in a minimum of 3 community events per year)

- 2 Employees attended the BCISD Back to School Bash and handed out information about general library services
- 1 employee attended the Parks & Recreation Touch a Truck and handed out truck themed books
- 2 employees were the main presenters for Sunshine & Rainbows Family Literacy Night and shared information about the early literacy opportunities at the library.
- Upcoming for Fy24 Quarter 1: VVSD Elementary family night, Day of the Dead, Hometown Christmas

Recognitions:

- Mary Ryan retired after 21 years at the library.
- Susan Hall re-retired in June. She originally retired in 2015. She returned a couple years later in a part-time capacity.
- Both have returned as volunteers.

In Progress Projects

Scarecrow Decorating Contest: Library has partnered with Main Street for a Scarecrow Decorating Contest. Entries will be on display for two weeks beginning with Christmas Around the Square. Voting will occur the first weekend. Prizes are sponsored by the Friends of the Bay City Library. This takes the place of the Pumpkin Decorating Contest held by library and Main Street's contest held downtown.

Strategic Plan for FY25-FY29: Consultant will be at the library the week of December 11 to set the schedule for the community conversations and to conduct the building assessment of both branches. The plan is set to be complete in April.

Decorated Tree at Museum: Staff decorated the tree to advertise for Harry Potter Night with save the dates.

Career Online High School: The program has launched, and seven scholarships are available. To be eligible, they must be a Matagorda County resident and be at least 18 years of age. A two week ad boost has been made on Facebook to promote the program.

Santa's Fly-In Storytime: Friday, December 8 we will host the general public and schools for the annual Christmas storytime.

Author Visit: The Bay City Library Association is funding a visit with Megan Hoyt, author of Bartalli's Bicycle, for Holocaust Remembrance Week in January. This visit is partnership with the Houston Holocaust Museum.

Food for Fines: Held November 6 – December 2 of this year. Due to the increased costs of goods, we have increased the amnesty to \$2.00 per item.

Photos

Teen Tuesday – Dungeons and Dragons

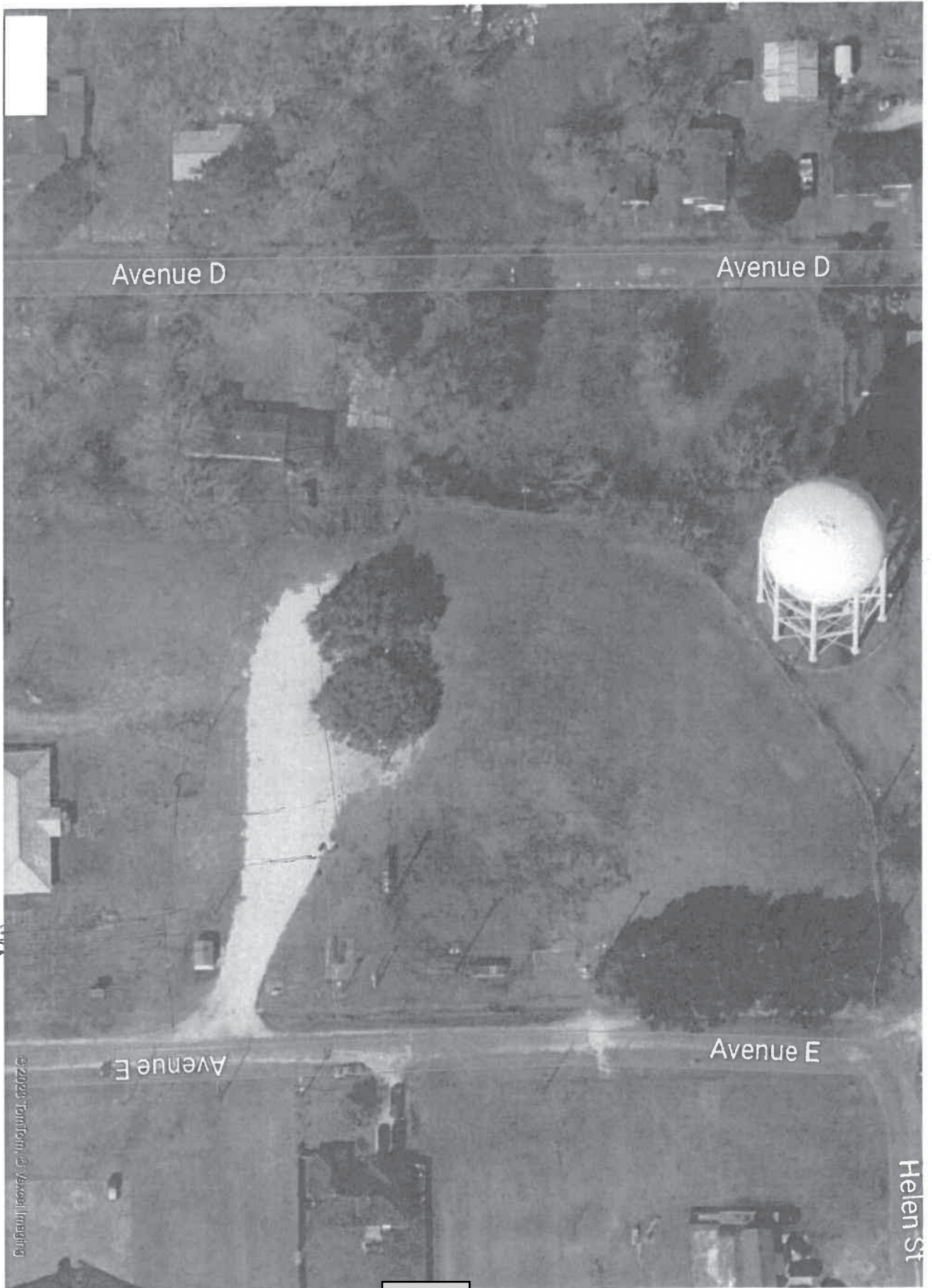


BCISD Back to School Bash



Domino's Dough Show





City Park









BICYCLE PLAYGROUND RULES

- *No smoking.*
- *No pets.*
- *Helmets required. No exceptions.*
- *Ride to your ability. Progress slowly.*
- *Do not run or walk on the features or pump track.*
- *Always ride single file. Do not short cut the course.*
- *No stopping on the pump track.*
- *The pump track and course can be ridden in either direction. Always remain aware of other users.*
- *Always be courteous to other riders and call out when passing. Maintain a safe distance.*
- *Nonmotorized vehicles only on the bicycle playground.*
- *Pedestrians must stay off the features and pump track unless assisting beginner riders. Stay visible.*

SKILLS COURSE RULES

- *No smoking.*
- *No pets.*
- *Helmets required. No exceptions.*
- *Ride to your ability. Progress slowly.*
- *Do not attempt any of the jumps unless you are a skilled rider on the correct bike.*
- *Skill lines are ONE WAY. Do not walk or push your bike up any of the skill lines.*
- *Skill lines are single file.*
- *Wait until the rider in front of you has passed the first feature before leaving the starting area.*
- *Only one person may use a feature at a time.*
- *Never cut across or transfer between skill lines. Do not short cut the course.*
- *Always be courteous to other riders and call out when passing. Maintain a safe distance.*
- *Bikes only on the skills course. No scooters, skateboards, or motorized vehicles.*
- *Pedestrians must stay off skills course. Stay visible.*

ORDINANCE NO. _____

AN ORDINANCE REGULATING THE USE OF GOLF CARTS, NEIGHBORHOOD VEHICLES, AND OTHER TYPES OF RECREATIONAL OFF-HIGHWAY VEHICLES BY ADDING A NEW ARTICLE VII TO CHAPTER 110 OF THE CITY OF BAY CITY CODE OF ORDINANCES; PROVIDING FOR CODIFICATION; FIXING A PENALTY FOR FAILURE TO COMPLY WITH SUCH ORDINANCE; REPEALING ANY CONFLICTING ORDINANCES; AND SETTING AN EFFECTIVE DATE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS.

SECTION 1. Chapter 110 of the City of Bay City Code of Ordinances is hereby created to add new Article VII., Golf Carts, Neighborhood Electric Vehicles and other Types of Recreational Off-Highway Vehicles, as described below.

SECTION 2. Sections 110.235-110.299 are reserved.

SECTION 3. The following sections are added to Article VII.:

Sec. 110.300. Definitions.

These terms shall have the following meanings:

All-terrain vehicle means a motor vehicle that is:

1. Equipped with a seat or seats for the use of:
 - a. The rider; and
 - b. A passenger(s), if the motor vehicle is designed by the manufacturer to transport a passenger(s);
2. Designed to propel itself with three or more tires in contact with the ground;
3. Designed by the manufacturer for off-highway use; and,
4. Not designed by the manufacturer primarily for farming or lawn care;

City means the City of Bay City, Texas.

Daytime means the period beginning one-half hour before sunrise and ending one-half hour after sunset.

Driver's license means an authorization issued by the Department of Public Safety for operation of a motor vehicle. The term includes a temporary license or instruction permit and an occupational license.

Golf cart shall have the meaning assigned by Texas Transportation Code § 502.001, as amended, which currently defines it as a motor vehicle designed by the manufacturer primarily for transporting persons on a golf course. It must have a minimum of four wheels and have an attainable top speed not greater than 25 miles per hour on a paved level surface and be manufactured primarily for transporting persons on a golf course and in compliance with those federal motor vehicle safety standards for low-speed vehicles. The term "Golf cart" shall not include those motorized conveyances commonly referred to as All-terrain vehicles ("ATVs"), off-road vehicles (also known as "ROVs"), four-wheelers, mules, gators, and design-altered Golf carts which have been altered to allow them to travel at a speed greater than 25 miles per hour.

Neighborhood vehicle (NV) (includes low speed vehicles "LSV") means a vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with the definition of a "Neighborhood Electric Vehicle" as defined by Tex. Transp. Code §551.301 or with Federal Motor Vehicle Safety Standard No. 500; Low-Speed Vehicles (Effective Sept. 5, 2017). This standard specifies requirements for low-speed vehicles. A low-speed vehicle is a gasoline or electric powered four-wheeled motor vehicle, other than a truck, whose attainable speed is more than 32 km/h (20 mph) and not more than 40 km/h (25 mph). The standard requires ten specific items of safety equipment. [Not listed. See Texas Transportation Code § 551.301] ** Has a normal maximum speed of 20—25 mph (LSV) or 20—35 mph (NEV). The term "Neighborhood vehicle" shall not include those motorized conveyances commonly referred to as All-terrain vehicles ("ATVs"), off-road vehicles (also known as "ROVs"), four-wheelers, mules, or gators.

Nighttime means the period beginning one-half hour after sunset and ending one-half hour before sunrise.

Operate shall mean driving.

Operator means any person driving and having physical control over the motor vehicle.

Park or Parking means the standing or stopping of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or passengers.

Parking area means those areas accessible to the public by motor vehicular traffic and which are designated for temporary Parking of motor vehicles, usually in places referred to as Parking lots.

Recreational off-highway vehicle means a motor vehicle that is:

1. Equipped with a seat or seats for the use of:
 - a. The rider; and
 - b. A passenger or passengers, if the vehicle is designed by the manufacturer to transport a passenger or passengers;

2. Designed to propel itself with four or more tires in contact with the ground;
3. Designed by the manufacturer for off-highway use by the Operator only; and
4. Not designed by the manufacturer primarily for farming or lawn care.

Street means a public roadway in the City of Bay City, Texas by whatever name (e.g., road, alley, avenue, highway, route, boulevard, etc.) that is open to vehicular traffic.

Sec. 110.301. Limited operation.

- A. Golf carts and NV's are permitted to be Operated on:
 1. Streets where the posted speed limit is 35 miles per hour or less,
 2. A Parking area as defined by this article.
- B. The operation of a Golf cart shall be prohibited on any Street in the state highway system, regardless of the speed limit. The state highway system includes, but is not limited to, Hwy 35, 7th Street, Hwy 60, and Avenue F.
- C. Other Streets where golf carts are prohibited:
 - Nichols Road/FM 2668 from 7th Street/Hwy 35 to Hwy 60
 - 6th Street between Hwy 60 and Nichols/FM 2668
- D. A Golf cart may not be driven across intersections where the cross Street has a posted speed limit of more than 35 miles per hour.
- E. Nighttime driving of Golf carts is prohibited. Golf carts may only be driven during the Daytime.
- F. An NV may drive across intersections where the cross-Street has a posted speed limit of more than 35 miles per hour, even if the cross-Street is otherwise a prohibited Street under this article.
- G. Notwithstanding anything in this section 110.301 to the contrary, Golf Carts and Neighborhood Vehicles may be operated on public streets for activities related to parades permitted under this chapter and events organized or sponsored by the City of Bay City.
- H. The operation of a Golf Cart shall be prohibited on any public sidewalk, pedestrian walkway, playground, public park, school ground, or other public recreational areas except on designated roadways or parking within these areas.

Sec. 110.302. Required equipment—Golf cart.

- A. A Golf Cart Operated under this article must be equipped, at a minimum, with the following equipment as mandated by the Texas Transportation Code §551.404(b), as amended, and/or required by the City to Operate on permitted locations:
1. Operational headlamps;
 2. Operational tail lamps;
 3. Side reflectors;
 4. Operational Parking brake; and
 5. Rearview mirror(s).
 6. Turn signals;
 7. Horn;
 8. Brake lights;
 9. Seat belts;
 10. A safety-orange flag on a six-foot fiberglass whip pole; and
 11. Windshield
- B. A Golf cart that is Operated at a speed of not more than 25 miles per hour shall display a "slow-moving-vehicle emblem" as defined by Texas Transportation Code § 547.703.
- C. Equipment, and its installation and maintenance, must meet standards provided by the Texas Transportation Code, as amended.

Sec. 110.303. Required equipment—Neighborhood vehicle.

- A. A Neighborhood vehicle (NV), whether gasoline- or electric-powered must be equipped with the following equipment as mandated by Texas Transportation Code § 551.301, as amended, and/or required by the City, to Operate on permitted locations:
1. Operational headlamps;
 2. Operational tail lamps;
 3. Side reflectors;
 4. Operational Parking brake;
 5. Rearview mirror(s);
 6. Turn signals;
 7. Horn;

8. Brake lights;
 9. Seat belts;
 10. Windshield; and
 11. Vehicle identification number.
- B. Equipment, and its installation and maintenance, must meet standards provided by the Texas Transportation Code, as amended.

Sec. 110.304. Operator regulations.

- A. All Operators of Golf carts or NVs shall:
1. Be licensed to Operate a motor vehicle as provided by Texas Transportation Code § 521.021, as amended, and carry a valid Driver's license as provided by Texas Transportation Code § 521.025, and all state law Driver's license permissions and restrictions shall apply to the operation of a Golf cart or NV;
 2. Abide by all state and local traffic regulations applicable to vehicular traffic;
 3. Not Operate or park on a sidewalk or hike and bike trails at any time;
 4. Not use the vehicle to pull any object or person at any time;
 5. Not exceed the seating capacity of the vehicle as designed by the manufacturer;
 6. Remain seated at all times while the vehicle is in motion, and ensure the same for passengers. Passengers can be issued a citation for not remaining seated while vehicle is moving;
 7. Drivers and all riders must be restrained in a seat belt at all times;
 8. Maintain financial responsibility as defined in Texas Transportation Code § 601.051; and
 9. Not intentionally or knowingly allow an unlicensed Operator to Operate the vehicle.
 10. Use headlights at any time the Golf Cart or Neighborhood Vehicle is in operation.

Sec. 110.305. All-terrain vehicles, Recreational off-highway vehicles.

It shall be unlawful for a person to Operate an ATV or ROV on a Public Street or location except as provided by state law and this section. A person may only drive across a public Street or highway that is not an interstate or limited-access highway, if done so in accordance with state law. (See Texas Transportation Code § 663.037, as amended.)

Sec. 110.306. Penalties.

Only warning citations may be issued for the first 60 days following the effective date of this article so that an educational effort by the City may be conducted to inform the public about the importance and requirements of this article. In addition to traffic violations for which the owner or driver of the Golf cart or NV may be subject to pursuant to state law, any person who violates this article shall be guilty of a misdemeanor punishable by a fine of up to \$500.00. Each day's violations shall constitute a separate and distinct offense. Any prior conviction under this article will count towards a second and third charge regardless of when it occurred.

SECTION 4. It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Bay City, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney.

SECTION 5. Failure to comply with any provision of this ordinance shall be punished by a fine not to exceed Five Hundred and No/100 (\$500.00) per day that said person is in violation of this Ordinance.

SECTION 6. If any part of this ordinance is, or should be held invalid for any reason, then that fact shall not invalidate the entire ordinance, but the balance thereof shall remain in full force and effect.

SECTION 7. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 8. The City Secretary shall publish this Ordinance as required by City Charter.

SECTION 9. This ordinance shall become effective upon the final passage date shown below.

PASSED AND APPROVED this 14th day of November, 2023.

Robert K. Nelson, Mayor

ATTEST:

 Jeanna Thompson, City Secretary

APPROVED AS TO FORM AND CONTENT:

 Anne Marie Odefey, City Attorney

COUNCIL MEMBER	VOTED AYE	VOTED NO	ABSENT
James Folse	_____	_____	_____
Ben Flores	_____	_____	_____
Brad Westmoreland	_____	_____	_____
Becca Sitz	_____	_____	_____
Blayne Finlay Mayor Pro Tem	_____	_____	_____
Robert K. Nelson Mayor	_____	_____	_____



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: Blomquist, Herbert **Date Submitted:** 11/07/2023
Last, First *MM/DD/YYYY*

Requestor Type: City Staff **Meeting Date:** 11/14/2023
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 SELECT LEM CONSTRUCTION FOR THE EAST WATER TREATMENT PLANT (WTP) PROJECT UNDER THE TEXAS WATER DEVELOPMENT BOARD FUNDING FOR THE DRINKING WATER SRF PROJECTS 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 AND LEM CONSTRUCTION.

Executive Summary of Item:

The Drinking Water State Revolving Fund, authorized by the Safe Water Drinking 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 non-profit non-community public water systems.

The City of Bay City was awarded \$21,300,000 in funding from the Texas Water Development Board (TWDB) to make critical improvements to the City's water systems. These improvements will include upgrades to our existing water plants, water distribution system, and a new water plant. \$12,000,000 is allocated to Water Treatment Plant improvements.

Two proposals were received for the Water Treatment Plant Project which were in turn checked for accuracy and compliance with contract documents. Using the Competitive Sealed Proposal (CSP) process the two proposals were evaluated for Cost, Offeror's experience with similar projects, Offeror's key personnel experience, Offeror's major subcontractors experience, and approach and contract schedule. Through the CSP process, the evaluation committee determined LEM Construction submitted the best value proposal for the project. As a result of the contractor selection process, it is City staff's recommendation to move forward with LEM Construction to negotiate a contract for the East Water Treatment Plant project.



12141 Wickchester Lane
Suite 200
Houston, TX 77079
TEL 713.491.8333
FAX 713.395.5486
www.GarverUSA.com

October 23, 2023

City of Bay City
1901 5th St
Bay City, Texas 77414

Subject: Bay City North and East WTP Improvement Recommendation of Award

Dear Mr. Blomquist:

This letter serves as Garver's recommendation to proceed with LEM Construction for the Bay City North and East Water Treatment Plant (WTP) Project. This recommendation is based on the completed evaluation of the Competitive Sealed Proposal (CSP) process.

Proposals were received for the "Bay City North and East WTP Improvements" project on August 31st, 2023. A total of two (2) proposals were received on the project. The proposals have been checked for accuracy and for compliance with the contract documents. Using the CSP process, the two proposals were evaluated based on Cost, Offerors' experience with similar projects, Offerors' key personal experience, Offerors' major subcontractors experience, and the Offerors' approach and project schedule. A tabulation of the cost portion of the proposals received is enclosed with this letter, along with the overall evaluation conducted by the City's scoring team.

During the CSP evaluation, cost scoring was based upon the Overall Project Adjusted Base Proposal values indicated in the attached Proposal Tabulation. For this evaluation and Adjusted Base Proposal, none of the original Proposal Alternates were accepted. Thus, the evaluated pricing for LEM was \$21,382,250.00.

Garver recommends further adjustments (cost reductions) to this evaluated pricing during proposal negotiations. First, Garver recommends that the City ultimately include the removal of the North WTP scope from the project (including acceptance of LEM's Proposal Alternate N-5). Pricing for this alternate was provided by both offerors on October 12, 2023, and LEM indicated an overall pricing reduction of \$9,966,750. Additionally, further reductions are warranted of the Cash and Contingency Allowances specifically associated with the North WTP construction (Cash Allowance No. 1 for \$50,000 for the electrical service to the North WTP site; Contingency Allowance No. 3 for \$75,000 for the North WTP Utility Relocation). Finally, LEM has proposed additional cost mitigation items (such as generator modifications, aluminum conduits, piping embedment detail modifications, etc.) that the City and Garver may further evaluate and accept. Pricing has been provided on some items previously, and additional value engineering ideas may yield further reductions.

In summary, the anticipated contract value is \$11,008,500 or lower, pending further negotiations for cost mitigation and value engineering. Prior to issuance of the Notice of Award, Garver anticipates the

Mr. Blomquist
10/23/23
Page 2 of 2

development of Change Order No. 1 (CO1) to formally modify the Contract Documents with the post-Proposal period modifications to the project scope. This Change Order would be provided as part of the Notice of Award to LEM for authorization as part of the Agreement.

Through the CSP process, the evaluation committee determined that LEM Construction submitted the best value proposal for the project.

Please call me if you have any questions.

Sincerely,

GARVER, LLC



Tyson Hann, D. Eng., P.E.
Project Manager

Attachments: Bid Tabulation
 CSP Evaluation Rating

CC: Shawna Burkhart, COBC
 Scotty Jones, COBC
 Krystal Mason, COBC
 Gabriel Lopez, COBC
 Dan Olson, P.E., Garver
 Wade Parks, P.E., Garver

Bid Tabulation

Project	Bay City North and East WTP	Project No.	20W09161 & 20W9162			Date of Bid	August 31, 2023			
		TWDB Project No.	62902							
Offerors			LEM				Wharton-Smith			
Cash Allowance										
Item No.			Allowance			Allowance				
1	Primary electrical service installation and rerouting for Bay City North WTP site		\$ 50,000			\$ 50,000				
2	Primary electrical service and/or natural gas installation and rerouting for Bay City East WTP site		\$ 75,000			\$ 75,000				
Lump Sum for Cash Allowances			\$ 125,000			\$ 125,000				
Contingency Allowance										
Item No.			Allowance			Allowance				
1	Work Change Directives		\$ 200,000			\$ 200,000				
2	Special Inspection and Other Independent Testing		\$ 75,000			\$ 75,000				
3	North WTP Utility Relocation		\$ 75,000			\$ 75,000				
Lump Sum for Contingency Allowances			\$ 350,000			\$ 350,000				
North WTP Base Proposal										
Item No.	Description	Quantity	Units	Unit Price	Price	Quantity	Units	Unit Price	Price	
1	All work as defined in Contractor Documents	1	LS	\$ 7,620,000.00	\$ 7,620,000.00	1	LS	\$ 7,632,025.00	\$ 7,632,025.00	
2	Construction, testing, installation, and startup of new groundwater well, pump, and motor	1	LS	\$ 2,462,250.00	\$ 2,462,250.00	1	LS	\$ 2,655,600.00	\$ 2,655,600.00	
3	Concrete roads and pavement	1	LS	\$ 130,000.00	\$ 130,000.00	1	LS	\$ 160,000.00	\$ 160,000.00	
4	Trench Safety	1	LS	\$ 2,000.00	\$ 2,000.00	1	LS	\$ 5,000.00	\$ 5,000.00	
5	Installation, Maintenance, and Record Keeping of Storm Water Pollution Prevention Plan	1	LS	\$ 15,000.00	\$ 15,000.00	1	LS	\$ 10,000.00	\$ 10,000.00	
North WTP Total Base Proposal Price		\$ 10,229,250.00			\$ 10,462,625.00					
East WTP Base Proposal										
Item No.	Description	Quantity	Units	Unit Price	Price	Quantity	Units	Unit Price	Price	
1	All work as defined in Contractor Documents	1	LS	\$ 8,150,000.00	\$ 8,150,000.00	1	LS	\$ 8,085,000.00	\$ 8,085,000.00	
2	Construction, testing, installation, and startup of new groundwater well, pump, and motor	1	LS	\$ 2,381,000.00	\$ 2,381,000.00	1	LS	\$ 2,576,375.00	\$ 2,576,375.00	
3	Concrete roads and pavement	1	LS	\$ 130,000.00	\$ 130,000.00	1	LS	\$ 155,000.00	\$ 155,000.00	
4	Trench Safety	1	LS	\$ 2,000.00	\$ 2,000.00	1	LS	\$ 5,000.00	\$ 5,000.00	
5	Installation, Maintenance, and Record Keeping of Storm Water Pollution Prevention Plan	1	LS	\$ 15,000.00	\$ 15,000.00	1	LS	\$ 10,000.00	\$ 10,000.00	
East WTP Total Base Proposal Price		\$ 10,678,000.00			\$ 10,831,375.00					
North WTP Proposal Alternatives										
Deduct Item	Description	Alternate Price			Alternate Price					
N-1	Deletion of GST No. 2	\$ (520,000.00)			\$ (490,000.00)					
N-2	Deletion of generator, generator pad, and all related accessories	\$ (425,000.00)			\$ (375,000.00)					
N-3	Deletion of all Concrete Roads and Pavemenet. Utiltize 6" gravel roads.	\$ (50,000.00)			\$ (50,000.00)					
N-4	Deletion of one of the End-Suction Centrigugal Pump	\$ (35,000.00)			\$ (35,000.00)					
North WTP Total Base Proposal Price		\$ (1,030,000.00)			\$ (950,000.00)					
East WTP Proposal Alternatives										
Deduct Item	Description	Alternate Price			Alternate Price					
E-1	Deletion of GST No. 2	\$ (520,000.00)			\$ (490,000.00)					
E-2	Deletion of generator, generator pad, and all related accessories	\$ (840,000.00)			\$ (815,000.00)					
E-3	Deletion of all Concrete Roads and Pavemenet. Utiltize 6" gravel roads.	\$ (50,000.00)			\$ (50,000.00)					
E-4	Deletion of one of the End-Suction Centrigugal Pump	\$ (35,000.00)			\$ (35,000.00)					
East WTP Total Base Proposal Price		\$ (1,445,000.00)			\$ (1,390,000.00)					
Overall Project Proposal Summary										
Base Proposal Component	Description	Proposal Total			Proposal Total					
5.01	Cash Allowances	\$ 125,000.00			\$ 125,000.00					
5.02	Contingency Allowances	\$ 350,000.00			\$ 350,000.00					
5.03	WTP Improvements Base Proposal	\$ 20,907,250.00			\$ 21,294,000.00					
Overall Project Base Proposal		\$ 21,382,250.00			\$ 21,769,000.00					

Adjustments for Alternates and Major Equipment Alternates							
Base Proposal Component	Description	Proposal Total		Accepted?	Proposal Total	Accepted?	
North WTP							
N-1	Adjustment for deletion of GST No. 2	\$	-	No	\$	-	No
N-2	Adjustment for deletion of generator, generator pad, and all related accessories	\$	-	No	\$	-	No
N-3	Adjustment for deletion of all Concrete Roads and Pavement. Utilize 6" gravel roads.	\$	-	No	\$	-	No
N-4	Adjustment for deletion of one of the End-Suction Centrifugal Pump	\$	-	No	\$	-	No
East WTP							
E-1	Adjustment for deletion of GST No. 2	\$	-	No	\$	-	No
E-2	Adjustment for deletion of generator, generator pad, and all related accessories	\$	-	No	\$	-	No
E-3	Adjustment for deletion of all Concrete Roads and Pavement. Utilize 6" gravel roads.	\$	-	No	\$	-	No
E-4	Adjustment for deletion of one of the End-Suction Centrifugal Pump	\$	-	No	\$	-	No
Overall Project Adjusted Proposal		\$	21,382,250.00		\$	21,769,000.00	

Proposal Evaluation Scoresheet						
Project	Bay City North and East WTP			Project No.		20W09161 & 20W9162
Evaluators	Herb Blomquist, Krystal Mason, Gabriel Lopez, & Scotty Jones		Non-Evaluating Attendees	Tyson Hann, Wade Parks, & Alec Macmanus		TWDB Project No. 62902
Rating Category	Category Description	Points	LEM		Wharton-Smith	
			Value	Score	Value	Score
i	Cost: Offeror's proposed costs for the Total Base Proposal Price as shown in Article 5 of the Proposal Form.	50	\$ 21,382,250	50.0	\$ 21,769,000	49.0
ii	Experience/Past Performance of Offeror with Similar Projects: Evaluation of the Offeror's experience and past performance on similar size and scope projects within an area of 175 miles of the plant site over the past five years. The Qualifications of Offeror will be evaluated based on the Offeror Qualifications Statement (Section 00 45 13) and Project Approach with supporting data.	15		13		11
iii	Experience and Qualifications of Proposed Key Personnel with Similar Projects: Evaluation of the Offeror's key personnel, such as project manager and project superintendent. Evaluation will be based on the experience of the personnel on similar projects and performance on projects within the past ten years. The Qualifications of Offeror will be evaluated based on the Offeror Qualifications Statement (Section 00 45 13) and Project Approach with supporting data.	15		13		12
iv	Experience/Past Performance of Offeror's Proposed Major Subcontractors with Similar Projects: Evaluation of the Offeror's Major Subcontractors, such as the electrical, instrumentation and controls. Evaluation will be based on the experience of the subcontractor on similar projects, performance on projects within the past five years, and the demonstrated experience of the offeror in working with the subcontractor. The Qualifications of Offeror/Subcontractors will be evaluated based on the Offeror Qualifications Statement (Section 00 45 13), List of Proposed Subcontractors (Section 00 41 19), and Project Approach with supporting data.	10		9		9
v	Approach and Proposed Project Schedule: Evaluation of the Offeror's understanding of the project, project schedule, and familiarity with construction constraints through demonstrated understanding in the project approach and proposed schedule. Schedule from Notice to Proceed through Acceptance Testing and Final Completion as shown in Article 9 of the Proposal Form. The Approach will be evaluated based on the Offeror Qualifications Statement (Section 00 45 13), and Project Approach with supporting data.	10		7		9
			Total	92	Total	90

~ DISCUSS, CONSIDER, AND/OR APPROVE VARIOUS EQUIPMENT TO BE FUNDED BY THE AMERICAN RESCUE PLAN FUNDS AND AUTHORIZE STAFF TO PROCEED WITH PROCUREMENT



EXECUTIVE SUMMARY

AMERICAN RESCUE PLAN ACT PROJECT EQUIPMENT FOR PUBLIC WORKS, STREET & BRIDGE

BACKGROUND: The American Rescue Plan (ARP) Act of 2021 – the latest COVID-19 stimulus package - became law on March 11, 2021. (1.9 trillion economic stimulus bill)

The City of Bay City received \$ 4,353,513.57 from the US Treasury as allocated in the American Rescue Plan (ARP) Act.

ARPA requires **OBLIGATION** of all funds by 12-31-2024 and all projects are to be **COMPLETED** by 12-31-2026.

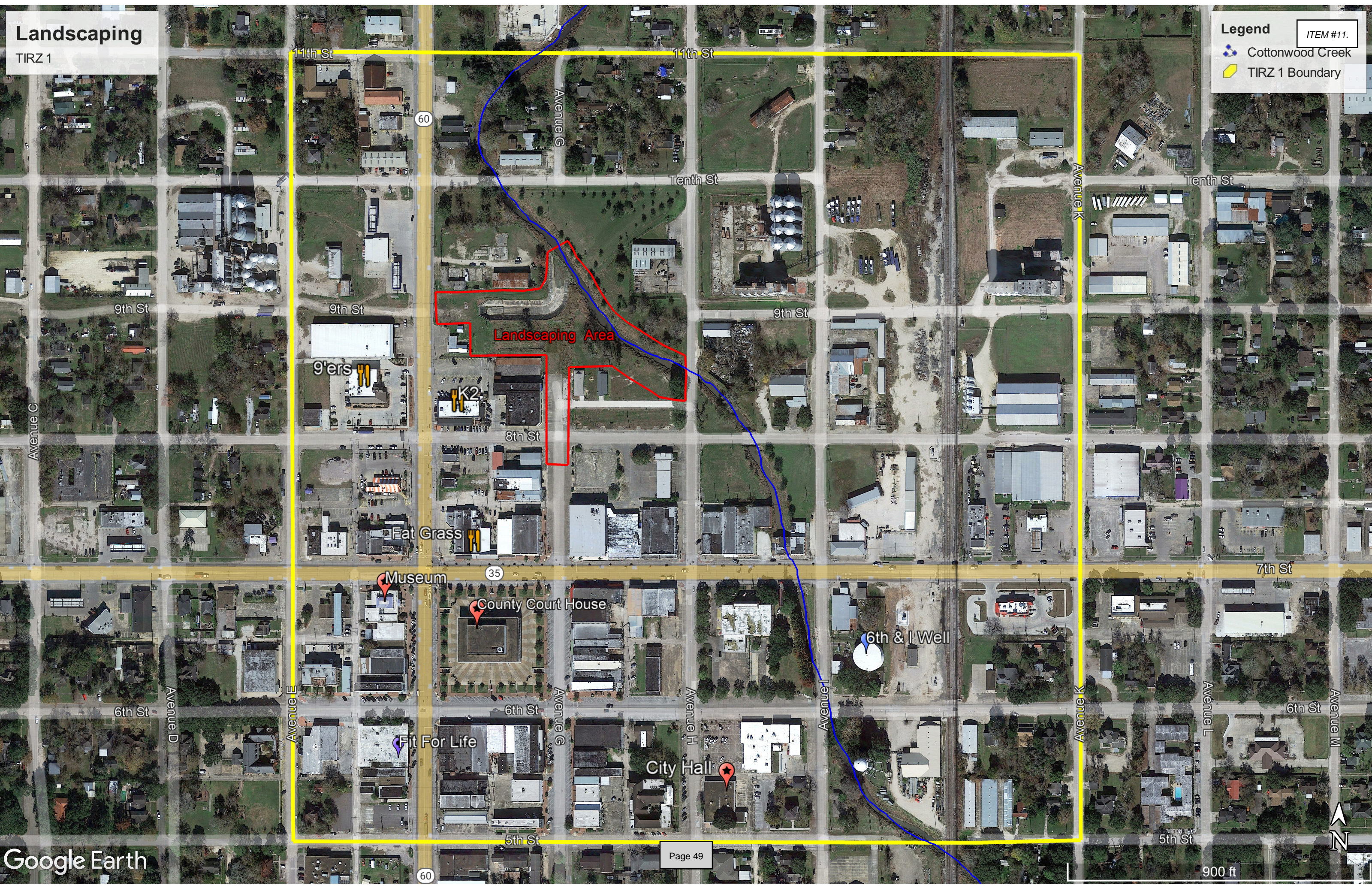
FINANCIAL IMPACT: The list below is an estimate only and due to inflation, the cost may be higher.

RECOMMENDATION: On October 31, 2023, City Council approved the procurement of the paver, smooth drum roller and sheep foot roller for in-house road rehab projects. Recommend City Council approve staff to begin the federal procurement process for the pneumatic roller (through competitive bidding since >\$50,000).

DEPT #	DEPARTMENT	DESCRIPTION	QTY	ORIGINAL COST	REVISED COST
175	Street & Bridge	Paver**	1		162,021
175	Street & Bridge	Smooth Drum Roller**	1	120,000	121,510
175	Street & Bridge	Sheep Foot Roller**	1	100,000	132,226
175	Street & Bridge	Pneumatic Roller	1	140,000	133,958
		Estimated Cost of Equipment		\$360,000	\$549,715
		Net Increase			\$189,715

**Approved by Council on 10/31/2023

ARPA Funds Unobligated- \$342,833 and will be reviewed at meeting.



Landscaping
TIRZ 1

Legend

Cottonwood Creek

TIRZ 1 Boundary

ITEM #11.



vista

Planning and Design

E mitch@vistaplanningdesign.com

T 512 673 8274

19 Sugar Shack Dr.

West Lake Hills, Tx 78746

ITEM #11.

November 7, 2023

Scotty Jones

Assistant City Manager / Finance Director

Via email sjones@cityofbaycity.org

Re: Proposal for park amenities for Cottonwood Park in Bay City

Dear Ms. Jones;

Thank you for spending time with me explaining your work there in Bay City! I've been so pleased to get to know this area of Texas so much better and I look forward to working with you and your company to fulfill all the needs within my practice areas!

The project as I understand them are the following:

1. Development of park areas for Cottonwood Park in Bay City

This tract already has a land plan by others and Vista's work will be to review and refine the amenity features along the sides of Cottonwood Creek in the development. The following steps are included in the fee:

A) Data Gathering:

- Visit site with client and photograph/drone fly the site and understand the issues associated with the access, development site, etc.
- Acquire all necessary data on the development tract including overall subdivision with platted lots, amenity areas, jurisdictional parameters in Bay City for compliance, and specific programming to be included in the amenity areas. All plan data to be provided in AutoCAD if possible.
- Any information regarding the development/ future development of the adjacent parcels if possible.

B) Conceptual Design:

- Develop first round of concepts by sketch that lays out various features for leisure and play that associate with the demographic anticipated.
- Set up Cost estimate and begin gathering data
- Discuss any subdivision aspects that Vista may see an opportunity to increase quality of life value that may result in lot premiums or overall aesthetic or improvement.
- Receive comments and revise plans in schematic form in AutoCAD or hand drawing according to the needs of the client. Update cost estimate
- Create plan in AutoCAD with conceptual details, and specifications. Apply minimum dimensioning
- Upon approval, advance drawings in AutoCAD to schematic level of information including details and outline specifications.
- Create marketing rendering of overall development inclusive of new amenity features.



- Advance schematic CAD drawing to construction document level and add all notes and details This would be a near construction drawing level of design and depending on the features, would likely not include the necessary details for construction specifications

C) Schematic and construction drawings, construction supervision:

- Discuss with client budgets and estimates of CD Package TBD

4) Excluded Items from this Proposal

The following items **are not** included in this project scope and fee proposal and can be added as additional services and billed at \$160.00 per hour or with a lump sum proposal. With some of the services below, Vista would be outsourcing the work due to expertise or seal and therefore the project would be subject to the fee proposal generated by that sub:

- Construction document level of information TBD
- Site grading and stormwater drainage design; Preliminary grading notes provided
- Irrigation design
- Geotech or soils investigations, dam analysis or any structural /engineering analysis or design
- Site surveying
- Slopes or detailed ADA analysis
- Site layout (dimensioning) of any conceptual features except as stated as being “general” meaning basic for site engineering purposes
- Reproduction, materials cost or time
- Additional site concepts after conceptual plan is produced
- Engineering or architecture as defined by seal
- Sketchup 3D models, perspectives and rendering
- Educational interpretation other than indicating features worthy of this effort
- Revisions as a result of political changes, elections, or influence by interest groups

5) Summary of Fees and Reimbursements

Proposed project fees are based on an estimated amount of time of tasks performed by Mitch Wright. Mr. Wright's fee is set at \$160.00 per hour and includes an averaging of time accumulated for the full range of actions (project administration, CAD or Photoshop work, public and client meetings, and design expertise) required for accomplishing the tasks as listed in the scope of services above. Driving time is included at \$80/hour as it is routine to make notes pre and post trip. The fee listed below represents a ceiling not to exceed without written confirmation of additional services. The ceiling is for the overall fee, not the individual tasks.

Project initiation, existing conditions and data gathering _____	\$ 4,720.00
Conceptual design _____	\$ 14,400.00
Construction documents and construction supervision _____	\$ TBD
TOTAL FEE _____	\$ 19,120.00

6) Retainer

- A retainer in the amount of: _____ \$ 2,000.00
Shall be submitted with a signature on this letter contract to initiate the contract.

7) Reimbursable Expenses:

19 Sugar Shack Dr. • West Lake Hills Tx 78746 • mitch@vistaplanningdesign.com • vistaplanningdesign.com



Reproduction costs _____
Travel per IRS _____
Hotel costs (simple/economic is fine) _____

Cost plus 10%
\$.655/mile
Cost

Invoices will be billed monthly based on percentage of work completed. Terms are thirty (30) days upon receipt of invoice by the client. Payments beyond that date are subject to a 4% per month additional charge. In the event of any additional consultation required of Vista Planning & Design and its sub-consultants for unforeseen or protracted developments in the project, work will be billed at the specified hourly rate as an addition to the specified contract fee. An estimate of time and fee will be provided to the client for approval prior to commencement of work and will be added as Addenda to the main contract.

If any errors occur during the project process that are the responsibility or oversight of Vista Planning & Design, then Vista Planning & Design reserves the right to address and correct this work, prior to construction, without a formal legal process. Mr. Wright and Vista Planning & Design is a landscape architecture and certified land planning firm and though elements of a design may represent engineering or architectural related elements, We do not perform engineering or architecture tasks as regulated by the state and no work from Vista Planning & Design is to be misconstrued to be certified engineering or architectural work.

We would like to thank you for the opportunity to submit this proposal for master planning services for this project. We look forward to working with you and earning your work in the future. We would be happy to meet with you to discuss any items outlined above at your convenience and are ready to proceed immediately with all necessary resources to meet your overall schedule.

Accepting this proposal:

Scotty Jones or City Representative

Date

Submitted By:

E. Mitchell Wright
Vista Planning & Design

RESOLUTION~ A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, SERIES 2024A (CWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE CLEAN WATER STATE REVOLVING FUND; AND APPROVING OTHER MATTERS INCIDENTAL THERETO



EXECUTIVE SUMMARY

Notice of Intent- CO SERIES 2024A (CWSRF)

BACKGROUND: 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. The City was approved by the Texas Water Development Board (TWDB) for financial assistance to make critical improvements to the City's wastewater systems. These improvements will include upgrades to our existing wastewater treatment plant, wastewater lift stations, and wastewater collection system.

The resolution attached serves as a notice of intent to issue debt. The maximum principal amount will not exceed \$7,124,000. This is the 4th and final issue that will occur during the project period. This bond will fund the following:

- Infrastructure improvements including the planning, acquisition, design, and construction of the City's wastewater treatment plant, lift stations, and sewer lines
- Professional services related to the projects listed above

RECOMMENDATION: Staff recommends City Council approve the resolution as presented.

ATTACHMENTS: Resolution of NOI

RESOLUTION NO. R-2023-20

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ITS TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024A (CWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE CLEAN WATER STATE REVOLVING FUND; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

THE STATE OF TEXAS §
COUNTY OF MATAGORDA §
CITY OF BAY CITY §

WHEREAS, the City of Bay City, Texas (the “City”) is pursuing financial assistance from the Texas Water Development Board (the “TWDB”) under the Clean Water State Revolving Fund; and

WHEREAS, the City Council of the City (the “City Council”) deems it advisable to issue certificates of obligation (the “Certificates”) of the City in accordance with the notice hereinafter set forth in order to evidence a loan from the TWDB; and

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; NOW, THEREFORE

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

Section 1. The findings, determinations, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City’s intention to issue the Certificates (the “Notice”).

Section 3. The Notice shall be published once a week for two (2) consecutive weeks in a newspaper that is of general circulation in the City, the date of the first publication to be at least forty-six (46) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates. In addition, the Notice shall be posted continuously on the City’s website for at least forty-five (45) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 4. For the purposes of the Notice, the City hereby designates as self-supporting those public securities listed in the attached Exhibit B, the debt service on which the City currently

pays from sources other than ad valorem tax collections. The City plans to continue to pay these public securities based on this practice; however, there is no guarantee this practice will continue in future years.

Section 5. For purposes of section 1.150-2(d) of the Treasury Regulations, to the extent that an official intent to reimburse has not previously been adopted by the City, this Notice serves as the City's official declaration of intent to reimburse itself from proceeds of the Certificates in the maximum principal amount and for expenditures paid in connection with the projects, each as set forth in Exhibit A hereof. Any such reimbursement will only be made (i) for an original expenditure paid no earlier than 60 days prior to the date hereof and (ii) not later than 18 months after the later of (A) the date the original expenditure is paid or (B) the date the project to which such expenditure relates is placed in service or abandoned, but in no event more than three years after the original expenditure is paid.

Section 6. The City hereby authorizes the City's financial advisor, USCA Municipal Advisors, LLC, bond counsel, Bracewell LLP, and engineer, Garver LLC, to proceed with the necessary arrangements for the sale of the Certificates and the receipt of financial assistance from the TWDB.

Section 7. The Mayor, City Manager, Finance Director, Director of Public Works, City Secretary, and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 8. This resolution shall take effect immediately upon its passage.

Section 9. The notice and agenda relating to this meeting and heretofore posted by the City Secretary, and the posting thereof, are hereby authorized, approved, and ratified.

[Execution Page to Follow]

PASSED AND APPROVED on this the 14th day of November, 2023 by the City Council
of the City of Bay City, Texas.

The Honorable Robert K. Nelson, Mayor,
City of Bay City, Texas

ATTEST:

Jeanna Thompson, City Secretary
City of Bay City, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Bay City, Texas

EXHIBIT ANOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

(City of Bay City, Texas Resolution No. 2023-20/Series 2024A CWSRF)

NOTICE IS HEREBY GIVEN that the City Council of the City of Bay City, Texas (the “City”), will meet at City Hall, 1901 5th Street, Bay City, Texas 77414 at 6:00 p.m. on the 9th day of January, 2024, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City’s Tax and Surplus Revenue Certificates of Obligation, Series 2024A (CWSRF), in the maximum aggregate principal amount not to exceed \$7,124,000, payable from ad valorem taxes and from a pledge of a lien on the surplus revenues of the City’s water and sewer system, bearing interest at any rate or rates not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the certificates of obligation, and maturing over a period not to exceed forty (40) years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or any part of the costs associated with improvements to the City’s sanitary sewer system, including the planning, acquisition, design and construction of (i) the City’s wastewater treatment plant and lift stations, (ii) the City’s sewer lines, and (iii) the costs of professional services related thereto. The Certificates are being issued to evidence the receipt of financial assistance from the Texas Water Development Board under the Clean Water State Revolving Fund. The estimated combined principal and interest required to pay the Certificates on time and in full is \$11,387,227. Such estimate is provided for illustrative purposes only and is based on an assumed interest rate of approximately 3.25%. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot and does not guarantee a particular interest rate associated with the Certificates. As of the date of this notice, the aggregate principal amount outstanding of tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting in Resolution No. R-2023-20, dated November 14, 2023, which resolution is available from the City upon request) is \$8,690,050. Based on the City’s expectations, as of the date of this notice, the combined principal and interest required to pay all of the outstanding tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting) on time and in full is \$10,485,247.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 14th day of November, 2023.

Jeanna Thompson
City Secretary
City of Bay City, Texas

EXHIBIT B**SELF-SUPPORTING DEBT**

\$53,421,950 Total Principal Amount Designated as Self-Supporting

The total principal amount of self-supporting debt is comprised of some or all of the debt from the following series of obligations:

Series Designation

Tax and Revenue Certificates of Obligation, Series 2014

Tax and Revenue Certificates of Obligation, Series 2016

Tax and Revenue Certificates of Obligation, Series 2020

General Obligation Refunding Bonds, Series 2021

Tax and Surplus Revenue Certificates of Obligation, Series 2021A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2021B (DWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2022A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2022B (DWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2023A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2023B (DWSRF)

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF MATAGORDA §

I, the undersigned officer of the City Council of the City of Bay City, Texas, hereby certify as follows:

1. The City Council of the City of Bay City, Texas, convened in a regular meeting on the 14th day of November, 2023, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Robert K. Nelson	Mayor
Benjamin Flores	Council Member, Position No. 1
James Folse	Council Member, Position No. 2
Brad Westmoreland	Council Member, Position No. 3
Becca Sitz	Council Member, Position No. 4
Blayne Finlay	Mayor Pro Tem and Council Member, Position No. 5

and all of said persons were present, except the following absentee(s): _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

RESOLUTION NO. R-2023-20

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ITS TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024A (CWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE CLEAN WATER STATE REVOLVING FUND; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said resolution, prevailed and carried by the following vote:

_____ Member(s) of City Council shown present voted "Aye."

_____ Member(s) of City Council shown present voted "No."

_____ Member(s) of City Council shown present abstained from voting.

2. A true, full and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said resolution has been duly recorded in said City Council's minutes of said meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; that said meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this _____, 2023.

[SEAL]

City Secretary
City of Bay City, Texas

RESOLUTION~ A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, SERIES 2024B (DWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE DRINKING WATER STATE REVOLVING FUND; AND APPROVING OTHER MATTERS INCIDENTAL THERETO



EXECUTIVE SUMMARY

Notice of Intent- CO SERIES 2024B (DWSRF)

BACKGROUND: 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. The City of Bay City was approved by the Texas Water Development Board (TWDB) for financial assistance to make critical improvements to the City's water systems. These improvements will include upgrades to our existing water plants, water distribution system and new water plants.

The resolution attached serves as a notice of intent to issue debt. The maximum principal amount will not exceed \$3,620,000. This is the 4th of 5 issues that will occur during the project period. This bond will fund the following:

- Infrastructure improvements including the planning, acquisition, design, and construction of two water plants, including water wells, ground storage tanks, hydropneumatics tanks, booster pump stations, disinfection equipment, and related infrastructure and equipment, water transmission lines, and water meter replacements
- Professional services related to the projects listed above

RECOMMENDATION: Staff recommends City Council approve the resolution as presented.

ATTACHMENTS: Resolution of NOI

RESOLUTION NO. R-2023-21

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ITS TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024B (DWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE DRINKING WATER STATE REVOLVING FUND; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

THE STATE OF TEXAS §
COUNTY OF MATAGORDA §
CITY OF BAY CITY §

WHEREAS, the City of Bay City, Texas (the “City”) is pursuing financial assistance from the Texas Water Development Board (the “TWDB”) under the Drinking Water State Revolving Fund; and

WHEREAS, the City Council of the City (the “City Council”) deems it advisable to issue certificates of obligation (the “Certificates”) of the City in accordance with the notice hereinafter set forth in order to evidence a loan from the TWDB; and

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; NOW, THEREFORE

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

Section 1. The findings, determinations, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City’s intention to issue the Certificates (the “Notice”).

Section 3. The Notice shall be published once a week for two (2) consecutive weeks in a newspaper that is of general circulation in the City, the date of the first publication to be at least forty-six (46) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates. In addition, the Notice shall be posted continuously on the City’s website for at least forty-five (45) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 4. For the purposes of the Notice, the City hereby designates as self-supporting those public securities listed in the attached Exhibit B, the debt service on which the City currently pays from sources other than ad valorem tax collections. The City plans to continue to pay these public securities based on this practice; however, there is no guarantee this practice will continue in future years.

Section 5. For purposes of section 1.150-2(d) of the Treasury Regulations, to the extent that an official intent to reimburse has not previously been adopted by the City, this Notice serves as the City's official declaration of intent to reimburse itself from proceeds of the Certificates in the maximum principal amount and for expenditures paid in connection with the projects, each as set forth in Exhibit A hereof. Any such reimbursement will only be made (i) for an original expenditure paid no earlier than 60 days prior to the date hereof and (ii) not later than 18 months after the later of (A) the date the original expenditure is paid or (B) the date the project to which such expenditure relates is placed in service or abandoned, but in no event more than three years after the original expenditure is paid.

Section 6. The City hereby authorizes the City's financial advisor, USCA Municipal Advisors, LLC, bond counsel, Bracewell LLP, and engineer, Garver LLC, to proceed with the necessary arrangements for the sale of the Certificates and the receipt of financial assistance from the TWDB.

Section 7. The Mayor, City Manager, Finance Director, Director of Public Works, City Secretary, and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 8. This resolution shall take effect immediately upon its passage.

Section 9. The notice and agenda relating to this meeting and heretofore posted by the City Secretary, and the posting thereof, are hereby authorized, approved, and ratified.

[Execution Page to Follow]

PASSED AND APPROVED on this the 14th day of November, 2023 by the City Council
of the City of Bay City, Texas.

The Honorable Robert K. Nelson, Mayor,
City of Bay City, Texas

ATTEST:

Jeanna Thompson, City Secretary
City of Bay City, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Bay City, Texas

EXHIBIT ANOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

(City of Bay City, Texas Resolution No. 2023-21/Series 2024B DWSRF)

NOTICE IS HEREBY GIVEN that the City Council of the City of Bay City, Texas (the “City”), will meet at City Hall, 1901 5th Street, Bay City, Texas 77414 at 6:00 p.m. on the 9th day of January, 2024, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City’s Tax and Surplus Revenue Certificates of Obligation, Series 2024B (DWSRF), in the maximum aggregate principal amount not to exceed \$3,620,000, payable from ad valorem taxes and from a pledge of a lien on the surplus revenues of the City’s water and sewer system, bearing interest at any rate or rates not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the certificates of obligation, and maturing over a period not to exceed forty (40) years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or any part of the costs associated with improvements to the City’s water system, including the planning, acquisition, design and construction of (i) two water plants, including water wells, ground storage tanks, hydropneumatic tanks, booster pump stations, disinfection equipment, and related infrastructure and equipment, (ii) water transmission lines, (iii) water meter replacements, and (iv) the costs of professional services related thereto. The Certificates are being issued to evidence the receipt of financial assistance from the Texas Water Development Board under the Drinking Water State Revolving Fund. The estimated combined principal and interest required to pay the Certificates on time and in full is \$5,971,860. Such estimate is provided for illustrative purposes only and is based on an assumed interest rate of approximately 3.50%. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot and does not guarantee a particular interest rate associated with the Certificates. As of the date of this notice, the aggregate principal amount outstanding of tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting in Resolution No. R-2023-21, dated November 14, 2023, which resolution is available from the City upon request) is \$8,690,050. Based on the City’s expectations, as of the date of this notice, the combined principal and interest required to pay all of the outstanding tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting) on time and in full is \$10,485,247.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 14th day of November, 2023.

Jeanna Thompson
City Secretary
City of Bay City, Texas

A-1

Error! Unknown document property name.

EXHIBIT B

SELF-SUPPORTING DEBT

\$53,421,950 Total Principal Amount Designated as Self-Supporting

The total principal amount of self-supporting debt is comprised of some or all of the debt from the following series of obligations:

Series Designation

Tax and Revenue Certificates of Obligation, Series 2014

Tax and Revenue Certificates of Obligation, Series 2016

Tax and Revenue Certificates of Obligation, Series 2020

General Obligation Refunding Bonds, Series 2021

Tax and Surplus Revenue Certificates of Obligation, Series 2021A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2021B (DWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2022A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2022B (DWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2023A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2023B (DWSRF)

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF MATAGORDA §

I, the undersigned officer of the City Council of the City of Bay City, Texas, hereby certify as follows:

1. The City Council of the City of Bay City, Texas, convened in a regular meeting on the 14th day of November, 2023, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Robert K. Nelson	Mayor
Benjamin Flores	Council Member, Position No. 1
James Folse	Council Member, Position No. 2
Brad Westmoreland	Council Member, Position No. 3
Becca Sitz	Council Member, Position No. 4
Blayne Finlay	Mayor Pro Tem and Council Member, Position No. 5

and all of said persons were present, except the following absentee(s): _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

RESOLUTION NO. R-2023-21

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ITS TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024B (DWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE DRINKING WATER STATE REVOLVING FUND; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said resolution, prevailed and carried by the following vote:

_____ Member(s) of City Council shown present voted "Aye."

_____ Member(s) of City Council shown present voted "No."

_____ Member(s) of City Council shown present abstained from voting.

Error! Unknown document property name.

2. A true, full and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said resolution has been duly recorded in said City Council's minutes of said meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; that said meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this _____, 2024.

[SEAL]

City Secretary
City of Bay City, Texas

RESOLUTION~ A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, SERIES 2024C (DWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE DRINKING WATER STATE REVOLVING FUND FOR ARSENIC MITIGATION PROJECTS; AND APPROVING OTHER MATTERS INCIDENTAL THERETO



EXECUTIVE SUMMARY

Notice of Intent- CO SERIES 2024C (DWSRF)

BACKGROUND: 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. The City of Bay City was approved by the Texas Water Development Board (TWDB) for financial assistance to make critical improvements to the City's water systems. These improvements will address arsenic mitigation and water capacity.

The resolution attached serves as a notice of intent to issue debt. The maximum principal amount will not exceed \$2,590,000 and has an interest rate of 0%. This bond will fund the following:

- Infrastructure improvements including the planning, acquisition, design, construction, and equipment for arsenic removal and water plant improvements, elevated storage tanks, and water mains and related infrastructure
- Professional services related to the projects listed above

RECOMMENDATION: Staff recommends City Council approve the resolution as presented.

ATTACHMENTS: Resolution of NOI

RESOLUTION NO. R-2023-22

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ITS COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024C (DWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE DRINKING WATER STATE REVOLVING FUND FOR ARSENIC MITIGATION PROJECTS; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

THE STATE OF TEXAS §
COUNTY OF MATAGORDA §
CITY OF BAY CITY §

WHEREAS, the City of Bay City, Texas (the “City”) is pursuing financial assistance from the Texas Water Development Board (the “TWDB”) under the Drinking Water State Revolving Fund; and

WHEREAS, the City Council of the City (the “City Council”) deems it advisable to issue certificates of obligation (the “Certificates”) of the City in accordance with the notice hereinafter set forth in order to evidence a loan from the TWDB; and

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; NOW, THEREFORE

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

Section 1. The findings, determinations, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City’s intention to issue the Certificates (the “Notice”).

Section 3. The Notice shall be published once a week for two (2) consecutive weeks in a newspaper that is of general circulation in the City, the date of the first publication to be at least forty-six (46) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates. In addition, the Notice shall be posted continuously on the City’s website for at least forty-five (45) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 4. For the purposes of the Notice, the City hereby designates as self-supporting those public securities listed in the attached Exhibit B, the debt service on which the City currently

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pays from sources other than ad valorem tax collections. The City plans to continue to pay these public securities based on this practice; however, there is no guarantee this practice will continue in future years.

Section 5. For purposes of section 1.150-2(d) of the Treasury Regulations, to the extent that an official intent to reimburse has not previously been adopted by the City, this Notice serves as the City's official declaration of intent to reimburse itself from proceeds of the Certificates in the maximum principal amount and for expenditures paid in connection with the projects, each as set forth in Exhibit A hereof. Any such reimbursement will only be made (i) for an original expenditure paid no earlier than 60 days prior to the date hereof and (ii) not later than 18 months after the later of (A) the date the original expenditure is paid or (B) the date the project to which such expenditure relates is placed in service or abandoned, but in no event more than three years after the original expenditure is paid.

Section 6. The City hereby authorizes the City's financial advisor, USCA Municipal Advisors, LLC, bond counsel, Bracewell LLP, and engineer, Garver LLC, to proceed with the necessary arrangements for the sale of the Certificates and the receipt of financial assistance from the TWDB.

Section 7. The Mayor, City Manager, Finance Director, Director of Public Works, City Secretary, and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 8. This resolution shall take effect immediately upon its passage.

Section 9. The notice and agenda relating to this meeting and heretofore posted by the City Secretary, and the posting thereof, are hereby authorized, approved, and ratified.

[Execution Page to Follow]

PASSED AND APPROVED on this the 14th day of November, 2023 by the City Council
of the City of Bay City, Texas.

The Honorable Robert K. Nelson, Mayor,
City of Bay City, Texas

ATTEST:

Jeanna Thompson, City Secretary
City of Bay City, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Bay City, Texas

EXHIBIT ANOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

(City of Bay City, Texas Resolution No. 2023-22/Series 2024C DWSRF)

NOTICE IS HEREBY GIVEN that the City Council of the City of Bay City, Texas (the “City”), will meet at City Hall, 1901 5th Street, Bay City, Texas 77414 at 6:00 p.m. on the 9th day of January, 2024, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City’s Combination Tax and Surplus Revenue Certificates of Obligation, Series 2024C (DWSRF), in the maximum aggregate principal amount not to exceed \$2,590,000, payable from ad valorem taxes and from a pledge of a lien on the surplus revenues of the City’s water and sewer system, bearing interest at any rate or rates not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the certificates of obligation, and maturing over a period not to exceed forty (40) years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or part of the costs of improvements to and the equipment of the City’s water system, including the planning, acquisition, design, construction, and equipment of (i) arsenic removal and water plant improvements, (ii) elevated storage tanks, (iii) water mains and related infrastructure, and (iv) the costs of professional services related thereto. The Certificates are being issued to evidence the receipt of financial assistance from the Texas Water Development Board under the Drinking Water State Revolving Fund. The estimated combined principal and interest required to pay the Certificates on time and in full is \$2,590,000. Such estimate is provided for illustrative purposes only and is based on an assumed interest rate of approximately 0.0%. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot and does not guarantee a particular interest rate associated with the Certificates. As of the date of this notice, the aggregate principal amount outstanding of tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting in Resolution No. R-2023-22, dated November 14, 2023, which resolution is available from the City upon request) is \$8,690,050. Based on the City’s expectations, as of the date of this notice, the combined principal and interest required to pay all of the outstanding tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting) on time and in full is \$10,485,247. The Texas Water Development Board has issued a commitment for financial assistance related to the project in a maximum total amount of \$15,000,000, which includes the Certificates, the City’s proposed Tax and Revenue Certificates of Obligation, Series 2024D (for which the City is separately providing notice under Resolution No. R-2023-23) and up to \$500,000 in principal forgiveness.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 14th day of November, 2023.

Jeanna Thompson
City Secretary
City of Bay City, Texas

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EXHIBIT B

SELF-SUPPORTING DEBT

\$53,421,950 Total Principal Amount Designated as Self-Supporting

The total principal amount of self-supporting debt is comprised of some or all of the debt from the following series of obligations:

Series Designation

Tax and Revenue Certificates of Obligation, Series 2014

Tax and Revenue Certificates of Obligation, Series 2016

Tax and Revenue Certificates of Obligation, Series 2020

General Obligation Refunding Bonds, Series 2021

Tax and Surplus Revenue Certificates of Obligation, Series 2021A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2021B (DWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2022A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2022B (DWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2023A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2023B (DWSRF)

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF MATAGORDA §

I, the undersigned officer of the City Council of the City of Bay City, Texas, hereby certify as follows:

1. The City Council of the City of Bay City, Texas, convened in a regular meeting on the 14th day of November, 2023, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Robert K. Nelson	Mayor
Benjamin Flores	Council Member, Position No. 1
James Folse	Council Member, Position No. 2
Brad Westmoreland	Council Member, Position No. 3
Becca Sitz	Council Member, Position No. 4
Blayne Finlay	Mayor Pro Tem and Council Member, Position No. 5

and all of said persons were present, except the following absentee(s): _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

RESOLUTION NO. R-2023-22

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ITS COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024C (DWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE DRINKING WATER STATE REVOLVING FUND FOR ARSENIC MITIGATION PROJECTS; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said resolution, prevailed and carried by the following vote:

_____ Member(s) of City Council shown present voted "Aye."

_____ Member(s) of City Council shown present voted "No."

_____ Member(s) of City Council shown present abstained from voting.

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2. A true, full and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said resolution has been duly recorded in said City Council's minutes of said meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; that said meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this _____, 20__.

[SEAL]

City Secretary
City of Bay City, Texas

RESOLUTION~ A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, SERIES 2024D (DWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE DRINKING WATER STATE REVOLVING FUND FOR ARSENIC MITIGATION PROJECTS; AND APPROVING OTHER MATTERS INCIDENTAL THERETO



EXECUTIVE SUMMARY

Notice of Intent- CO SERIES 2024D (DWSRF)

BACKGROUND: 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. The City of Bay City was approved by the Texas Water Development Board (TWDB) for financial assistance to make critical improvements to the City's water systems. These improvements will address arsenic mitigation and water capacity.

The resolution attached serves as a notice of intent to issue debt. The maximum principal amount will not exceed \$11,910,000. This bond will fund the following:

- Arsenic removal and water plant improvements
- Water Mains & related infrastructure to reduce water loss

RECOMMENDATION: Staff recommends City Council approve the resolution as presented.

ATTACHMENTS: Resolution of NOI

RESOLUTION NO. R-2023-23

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ITS COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024D (DWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE DRINKING WATER STATE REVOLVING FUND FOR ARSENIC MITIGATION PROJECTS; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

THE STATE OF TEXAS §
COUNTY OF MATAGORDA §
CITY OF BAY CITY §

WHEREAS, the City of Bay City, Texas (the “City”) is pursuing financial assistance from the Texas Water Development Board (the “TWDB”) under the Drinking Water State Revolving Fund; and

WHEREAS, the City Council of the City (the “City Council”) deems it advisable to issue certificates of obligation (the “Certificates”) of the City in accordance with the notice hereinafter set forth in order to evidence a loan from the TWDB; and

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; NOW, THEREFORE

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

Section 1. The findings, determinations, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council and made a part hereof for all purposes.

Section 2. The City Secretary is hereby authorized and directed to cause to be published in the manner required by law and in substantially the form attached hereto as Exhibit A, a notice of the City’s intention to issue the Certificates (the “Notice”).

Section 3. The Notice shall be published once a week for two (2) consecutive weeks in a newspaper that is of general circulation in the City, the date of the first publication to be at least forty-six (46) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates. In addition, the Notice shall be posted continuously on the City’s website for at least forty-five (45) days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 4. For the purposes of the Notice, the City hereby designates as self-supporting those public securities listed in the attached Exhibit B, the debt service on which the City currently

pays from sources other than ad valorem tax collections. The City plans to continue to pay these public securities based on this practice; however, there is no guarantee this practice will continue in future years.

Section 5. For purposes of section 1.150-2(d) of the Treasury Regulations, to the extent that an official intent to reimburse has not previously been adopted by the City, this Notice serves as the City's official declaration of intent to reimburse itself from proceeds of the Certificates in the maximum principal amount and for expenditures paid in connection with the projects, each as set forth in Exhibit A hereof. Any such reimbursement will only be made (i) for an original expenditure paid no earlier than 60 days prior to the date hereof and (ii) not later than 18 months after the later of (A) the date the original expenditure is paid or (B) the date the project to which such expenditure relates is placed in service or abandoned, but in no event more than three years after the original expenditure is paid.

Section 6. The City hereby authorizes the City's financial advisor, USCA Municipal Advisors, LLC, bond counsel, Bracewell LLP, and engineer, Garver LLC, to proceed with the necessary arrangements for the sale of the Certificates and the receipt of financial assistance from the TWDB.

Section 7. The Mayor, City Manager, Finance Director, Director of Public Works, City Secretary, and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 8. This resolution shall take effect immediately upon its passage.

Section 9. The notice and agenda relating to this meeting and heretofore posted by the City Secretary, and the posting thereof, are hereby authorized, approved, and ratified.

[Execution Page to Follow]

PASSED AND APPROVED on this the 14th day of November, 2023 by the City Council
of the City of Bay City, Texas.

The Honorable Robert K. Nelson, Mayor,
City of Bay City, Texas

ATTEST:

Jeanna Thompson, City Secretary
City of Bay City, Texas

[SEAL]

APPROVED AS TO FORM:

City Attorney
City of Bay City, Texas

EXHIBIT ANOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

(City of Bay City, Texas Resolution No. 2023-23/Series 2024D DWSRF)

NOTICE IS HEREBY GIVEN that the City Council of the City of Bay City, Texas (the “City”), will meet at City Hall, 1901 5th Street, Bay City, Texas 77414 at 6:00 p.m. on the 9th day of January, 2024, which is the time and place tentatively set for the passage of an ordinance and such other action as may be deemed necessary to authorize the issuance of the City’s Combination Tax and Surplus Revenue Certificates of Obligation, Series 2024D (DWSRF), in the maximum aggregate principal amount not to exceed \$11,910,000, payable from ad valorem taxes and from a pledge of a lien on the surplus revenues of the City’s water and sewer system, bearing interest at any rate or rates not to exceed the maximum interest rate now or hereafter authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the certificates of obligation, and maturing over a period not to exceed forty (40) years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or part of the costs of improvements to and the equipment of the City’s water system, including the planning, acquisition, design, construction, and equipment of (i) arsenic removal and water plant improvements, (ii) elevated storage tanks, (iii) water mains and related infrastructure, and (iv) the costs of professional services related thereto. The Certificates are being issued to evidence the receipt of financial assistance from the Texas Water Development Board under the Drinking Water State Revolving Fund. The estimated combined principal and interest required to pay the Certificates on time and in full is \$19,127,233. Such estimate is provided for illustrative purposes only and is based on an assumed interest rate of approximately 3.50%. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot and does not guarantee a particular interest rate associated with the Certificates. As of the date of this notice, the aggregate principal amount outstanding of tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting in Resolution No. R-2023-23, dated November 14, 2023, which resolution is available from the City upon request) is \$8,690,050. Based on the City’s expectations, as of the date of this notice, the combined principal and interest required to pay all of the outstanding tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting) on time and in full is \$10,485,247. The Texas Water Development Board has issued a commitment for financial assistance related to the project in a maximum total amount of \$15,000,000, which includes the Certificates, the City’s proposed Tax and Revenue Certificates of Obligation, Series 2024C (for which the City is separately providing notice under Resolution No. R-2023-22) and up to \$500,000 in principal forgiveness.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 14th day of November, 2023.

Jeanna Thompson
City Secretary
City of Bay City, Texas

EXHIBIT B**SELF-SUPPORTING DEBT**

\$53,421,950 Total Principal Amount Designated as Self-Supporting

The total principal amount of self-supporting debt is comprised of some or all of the debt from the following series of obligations:

Series Designation

Tax and Revenue Certificates of Obligation, Series 2014

Tax and Revenue Certificates of Obligation, Series 2016

Tax and Revenue Certificates of Obligation, Series 2020

General Obligation Refunding Bonds, Series 2021

Tax and Surplus Revenue Certificates of Obligation, Series 2021A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2021B (DWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2022A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2022B (DWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2023A (CWSRF)

Tax and Surplus Revenue Certificates of Obligation, Series 2023B (DWSRF)

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF MATAGORDA §

I, the undersigned officer of the City Council of the City of Bay City, Texas, hereby certify as follows:

1. The City Council of the City of Bay City, Texas, convened in a regular meeting on the 14th day of November, 2023, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Robert K. Nelson	Mayor
Benjamin Flores	Council Member, Position No. 1
James Folse	Council Member, Position No. 2
Brad Westmoreland	Council Member, Position No. 3
Becca Sitz	Council Member, Position No. 4
Blayne Finlay	Mayor Pro Tem and Council Member, Position No. 5

and all of said persons were present, except the following absentee(s): _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

RESOLUTION NO. R-2023-23

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF BAY CITY, TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO ISSUE ITS COMBINATION TAX AND SURPLUS REVENUE CERTIFICATES OF OBLIGATION, SERIES 2024D (DWSRF) IN CONNECTION WITH THE RECEIPT OF FINANCIAL ASSISTANCE FROM THE TEXAS WATER DEVELOPMENT BOARD THROUGH THE DRINKING WATER STATE REVOLVING FUND FOR ARSENIC MITIGATION PROJECTS; AND APPROVING OTHER MATTERS INCIDENTAL THERETO

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said resolution, prevailed and carried by the following vote:

_____ Member(s) of City Council shown present voted "Aye."

_____ Member(s) of City Council shown present voted "No."

_____ Member(s) of City Council shown present abstained from voting.

2. A true, full and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said resolution has been duly recorded in said City Council's minutes of said meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose of the aforesaid meeting, and that said resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; that said meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this _____, 20__.

[SEAL]

City Secretary
City of Bay City, Texas

**~ DISCUSS, CONSIDER, AND/OR APPROVE THE CITY'S QUARTERLY
INVESTMENT REPORT FOR THE QUARTER ENDING SEPTEMBER 30, 2023**



EXECUTIVE SUMMARY

INVESTMENT REPORT

BACKGROUND:

The Public Funds Investment Act (Chapter 2256, Government Code) requires the City's Investment Report to be reviewed by the governing body at least quarterly.

FINANCIAL IMPLICATIONS:

An investment policy itself protects City dollars by restricting certain types of transactions. It also enables the City to invest in other instruments to increase interest earnings.

IMPACT ON COMMUNITY SUSTAINABILITY:

The report permits an outside reader to evaluate the performance of the investment program.

RECOMMENDATION:

Staff recommends City Council approve the Quarterly Investment Report.

ATTACHMENTS:

Quarterly Investment Report 9-30-23 (To be emailed out & handed out at meeting)

RESOLUTION NO. _____

STATE OF TEXAS §

COUNTY OF MATAGORDA §

BE IT REMEMBERED, at a regular meeting of the City Council of the City of Bay City, Texas, held on the _____ day of November, 2023, the following Resolution was adopted:

WHEREAS, the City of Bay City has determined that there is excessive traffic of oversized/overweight vehicles on the roadways during the morning hours while students being dropped off at school; and

WHEREAS, the City of Bay City to ensure the safety of the children being dropped off at school desires to reduce the oversized/overweight vehicles on the roadways during the morning hours between 7:00 am and 8:30 am; and

WHEREAS, the Texas Department of Transportation (Wharton Area Office) has investigated this concern and has agreed that a restriction may be placed on those vehicles.

NOW, THEREFORE, BE IT RESOLVED that we, the City Council of the City of Bay City:

1. Adopt a resolution restricting all oversized/overweight vehicles from the roadways near any schools during the hours of 7:00 a.m. and 8:30 a.m. and requests that the Texas Department of Transportation take any action to enact and enforce this requirement.

APPROVED this the 14th day of November, 2023.

CITY OF BAY CITY, TEXAS

By: _____
Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson, City Secretary