



CITY COUNCIL REGULAR MEETING CITY OF BAY CITY

Tuesday, December 12, 2023 at 6:30 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."*

Councilman Jim Folse

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.

Councilman Jim Folse

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.

PROCLAMATIONS

1. **Proclamation ~ Recognition of Mark Finlay for his years of service to the City of Bay City as a Municipal Court Judge.** Robert K. Nelson, Mayor

ACKNOWLEDGEMENT FROM CITY MANAGER

2. **Acknowledgement of staff for successfully passing TCEQ Comprehensive Compliance Inspection**

ITEMS / COMMENTS FROM THE MAYOR AND COUNCIL MEMBERS**REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**

3. **Appointment ~ Consider, and/or approve the appointment of Associate Municipal Court Judge Suzanne Sullivan.** Suzan Thompson, Municipal Court Judge
4. **Report ~ Presentation of Day of Dead Event report.** P. Darve Smith, Tourism Manager
5. **Personnel ~ Discuss, consider and/or approve amending an ordinance by amending the employee guidelines for City Employees.** Rhonda Clegg, Director of Human Resources
6. **Personnel ~ Discuss, consider, and/or approve an ordinance regarding the City of Bay City's Texas Municipal Retirement System Benefits: (1) Adopting non-retroactive repeating COLAs for retirees and their beneficiaries, and (2) authorizing annually accruing updated service credits and transfer updated service credits.** Rhonda Clegg, Human Resources Director
7. **Ordinance ~ Discuss, consider, and/or approve an Ordinance of the City of Bay City, Texas adopting a "Budget Amendment #3" to the "Annual Budget of the City of Bay City, Texas, for the Fiscal Year 2023"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.** Scotty Jones, Assistant City Manager
8. **Grants ~ Discuss, consider, and or approve various equipment to be funded by the American Rescue Plan Funds and authorize staff to proceed with procurement.** Christella Rodriguez, Chief of Police

9. ~ **Commentary of Executive Session held on November 14, 2023 and subsequent vot to allocate funds to hire a health consultant.** Ben Flores, Councilmember
10. ~ **Deliberations and action on hiring a consultant regarding pigs in city limits.** Shawna Burkhart, City Manager

CLOSED / EXECUTIVE SESSION**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 **Friday, December 8, 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.



City of Bay City
"We Saw You" Submission Form

Date: 12-4-2023

Name of Person Submitting:

Herb Blomquist

Address:

1217 N Ave J
Bay City, Tx 77414

Contact Number:

(979) 323-1137

On October 13, 2023
November 14, 2023, I saw _____
 (Date)

- ☐ Provide great customer service
☒ Go above and beyond
☐ Being helpful and providing assistance
☐ Other: _____

Krystal Mason
 Ozzie Martinez
 Terry Myren
 Johnny Cervantes
 Jose DeLeon
 Anthony Morales
 Ramon Hernandez

Please be as descriptive as possible when describing the above selected option.

Successfully passed TCEQ Comprehensive Compliance Inspection
for both the Water Treatment and Wastewater Treatment
Plants with no violations noted.

Day of the Dead Attendance

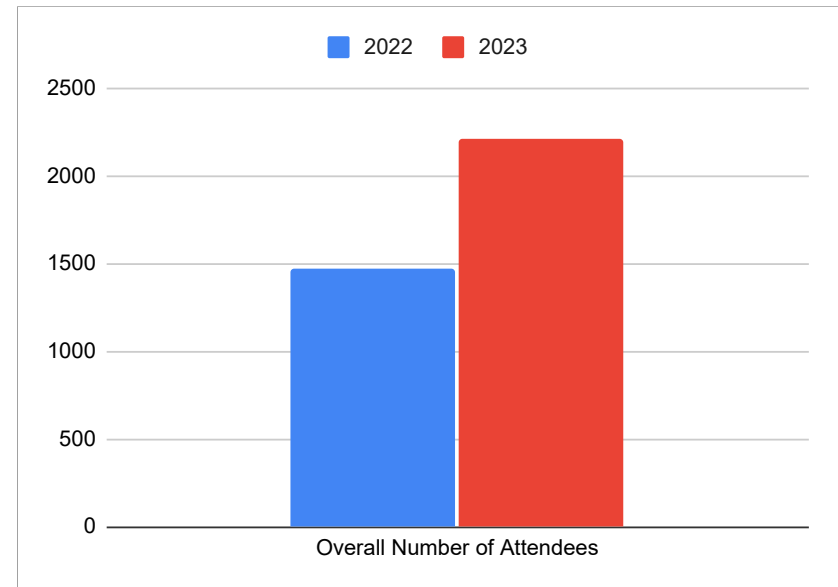


	Actual
Expenses:	\$49,273.67
Pre-Event Total:	\$9,578.54
Friday Total:	\$190.00
Saturday Total:	\$39,505.13

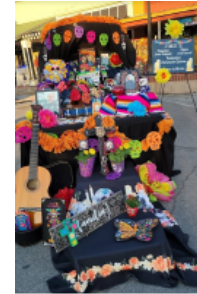
Revenue	\$33,251.00
Vendors	\$3,250.00
Sponsorships	\$7,100.00
Admission	\$16,456.00
Beverage Sales	\$6,255.00
Merch	\$1,090.00
Misc	\$126.00

Revenue	\$33,251.00
Expenses	\$49,273.67
Profit/Loss	-\$16,022.67

Budget	\$40,000.00
Net Loss	-\$16,022.67
Under Budget	\$23,977.33



DÍA DE LOS MUERTOS
FESTIVAL 2023
NOVEMBER 3-4
BAY CITY



**2018 Harvest Moon
Day of the Dead Fest
Nov. 3, 2018**
LeTulle Park
2pm - 9pm

Entertainment - Joe King Carassco
Day of the Dead Altar
Pumpkin Patch
Mexican Bingo
Hay Rides

**2019 Day of the Dead
Sat., Nov. 2, 2019**
LeTulle Park
Noon - 10pm
\$5 Entry. 12 & under free.

Entertainment - Selena The Show
Entertainment - The Electric Cowboys
Entertainment - BCAPA Dancers
Entertainment - Magic Show
Costume Contest
BBQ Cook-Off
Kid Zone
Sky Lanterns

**2021 Day of the Dead
Sat. Nov. 6, 2021**
LeTulle Park
Noon - 10pm
\$5 ?

Entertainment - Grupo Metal ft Chris Perez
Entertainment - Tejano Highway 281
Calmecac Indigenous Organization
Grupo Danza Azteca Houston
Grupo Complejo
Entertainment - Traditional Guitarist
Entertainment - DJ Pachengero
Entertainment - BCAPA Dancers
Costume Contest
Kid Zone
Cornhole Tourney
Sky Lanterns

**2022 Dia De Los Muertos Festival
Sat., Nov 5, 2022**
Matagorda County Fairgrounds
Noon - 10pm
\$5 online \$10 at Gate

Entertainment - Los Musicales: David Lee Garza
Entertainment - Layla's Anthem
Entertainment - ConXzion
Entertainment - Mariachi Band
Entertainment - DJ Bino G.
Costume Contest
Aztec Dancers
Kid Zone
Stilt Walkers
Jalapeno Eating Contest
Grito Contest
Cornhole Tournament
City Merch Booth

2023 Dia De Los Muertos Festival
Fri., Nov. 3, 2023 - Ofrenda Friday
Downtown Bay City
6:30pm - 9:00pm
Free

Entertainment - Oscar Aguilar
Entertainment - Cody McClanahan
Entertainment - DJ Chop
Kid Zone
Car Show (Ofrendas)
Food Trucks
Community Ofrenda
Blessing & Prayer
City Merch Booth

Sat., Nov. 4, 2023 - Festival
LeTulle Park
Noon - 10pm
\$12/\$6 online; \$15/\$10 at Gate

Entertainment - Grupo Metal ft Chris Perez
Entertainment - ConXzion
Entertainment - Oscar Aguilar
Entertainment - Cody McClanahan
Entertainment - Deacon Kev
Entertainment - Mariachi Band
Entertainment - DJ Chop
Entertainment - BCAPA Dancers
Entertainment - Prancing Horses
Magda Mirelez - Poetry
Costume Contest
Kid Zone
Zumba
Balloon Twisting Clown
Cornhole Tournament
City Merch Booth
City Info & Swag Booth



Personnel Policy Amendments

MINOR AMENDMENTS:

1. Page 1, Section 1.2 – Sunset Clause
 - a. Removed “once a year”
 - i. There may be a need to amend the policy more than once year.
2. Capitalized the “C” in City and “D” Department Director throughout the policy.
3. Removed wrongfully placed punctuations throughout the policy.
4. Page 7, Section 1.9.8 – Anti-Harassment Policy
 - a. Updated the referenced section in the last paragraph.
5. Page 22 and 23, Section 2.12.3 – City Issued Cellular Phones
 - a. Deleted last line under Eligibility and Acquisition.
 - i. Outdated.
 - b. Abbreviated I.T.
 - c. Deleted #3 and #5
6. Page 26, Section 2.13 – Social Media
 - a. Deleted “and for residents” not needed.
7. Page 28, Section 2.13.2 – Guidelines
 - a. 2c removed the word “and” and replaced it with “or”.
 - b. 2a added the words “Do not post” at the beginning of the sentence.
 - c. 2j added “is not permitted” at the end of the sentence.
 - d. 2l added “is not permitted” at the end of the sentence.
 - e. 2m added “is not permitted” at the end of the sentence.
8. Page 30, Section 2.13.4 – Employee Social Media
 - a. #3 added the word “and” after state law; and added the word “or” after vendor.
9. Page 36, Section 3.2.3 – Application for Employment Required
 - a. Deleted the word “form” from the last sentence in the first paragraph.
10. Page 44, Section 4.1 – Categories of Employment
 - a. #3 removed the word “until” after the word unless.
11. Page 45, Section 4.2 – Introductory Period
 - a. Changed the word from regular to “regularly”.
12. Page 54, Section 6.6 – Exemption from FLSA
 - a. Updated the listed exempt positions.
13. Page 6.10, Section 6.10 – Timesheets
 - a. Removed the reference to our current time system.
14. Page 61, Section 6.11.4 – Emergency Periods
 - a. #3 changed the word from “Emergency” to Exigency” to be accurate.
15. Page 63, Section 6.11.5 – Compensation During Emergency
 - a. Added the Section before 6.12
 - b. Changed wording from “emergency” to “these designated”, to refer to both Emergency and Exigency periods.
16. Page 63, Section 6.11.6 – Employee Groups

- a. Changed the word “and” to “as well as”.
- 17. Page 68, Section 8.3 – Vacation Leave
 - a. #1 moved a sentence from #2.
- 18. Page 85, Section 8.8 – Bereavement Leave
 - a. Updated reference information and added the Kinship Chart for referencing.
- 19. Page 97, Section 9.5.12 – Claims Review
 - a. Replaced Director of Human Resources with Safety Committee.
- 20. Page 101, Section 10.3 – General Policy
 - a. Reworded paragraph to state, “...grounds for disciplinary action, up to and including termination.”
- 21. Page 104, Section 10.7.6 – Failing a Drug or Alcohol Test
 - a. Rearranged a sentence.
- 22. Page 112, Section 11.7.6 – Responsibilities of Vehicle and Equipment Operators
 - a. Added the verbiage “employees must wear seat belts at all times.”

MAJOR AMENDMENTS

- 1. Pages 15 and 16, Section 2.2 – Professional Appearance
 - a. Expanded on #1a for Jeans
 - i. Added jeans and colored jeans will be limited to Friday’s only or with City Manager’s prior approval, and that they cannot have holes, rips or tears.
 - b. Expanded #4a and #4b
 - i. All tops and dresses must have covered shoulders.
 - ii. T-shirts can only be worn on Friday and must be content appropriate.
 - c. Reworded #5d
 - i. Tennie shoes can only be worn on Friday.
- 2. Page 36, Section 3.2.4 – Background Checks
 - i. Amended section to reflect the change made to the drug testing section, and to be in line with current practices.
- 3. Page 46, Section 5.1.2 – Paychecks
 - a. Deleted #3, because we did not utilize pay cards.
 - b. Updated #5 to be reflective of the City’s current practices.
- 4. Page 58, Section 6.9 – Compensatory Time
 - a. Deleted inaccurate sentences.
 - b. Deleted last bulleted item not a current practice.
- 5. Page 63, Section 6.12 – Telecommuting Policy
 - a. Updated policy to be reflective of current practices.
- 6. Page 64, Section 7.1 – Medical, Dental, Life and AD&D
 - a. Provided language that allows for a part-time, temporary and/or seasonal employee that is promoted to regular full-time, the ability to sign up for benefits sooner.
 - b. Removed the designated contribution percentages for health insurance and replaced it with verbiage which states it is determined by City Council.
- 7. Page 71, Section 8.5.1 – Eligibility and Accrual
 - a. Added the purpose of Sick Leave
- 8. Page 102, Section 10.7 – Drug and Alcohol Tests
 - a. Updated the policy to be include more substances that are commonly tested.
- 9. Page 103, Section 10.7.2 – Post-Accident Testing
 - a. Defined reportable.
- 10. Page 104, Section 10.7.4 – Random Testing
 - a. Defined safety sensitive positions.
- 11. Page 107, Section 11.7 – Utilization of Vehicles and Equipment
 - a. Added a sentence about the application of the policy.
 - b. Changed “supervisor or Department Head” to “City Manager”.
- 12. Page 108, Section 11.7.1 – Car Allowance

- a. Amended this section to allow for the City Manager's discretion and/or approval.
- 13. Page 108, Section 11.7.2 – Take Home Vehicles
 - a. Reworded and rearranged this section to allow for the City Manager's approval and to establish geographic boundaries.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, AMENDING ORDINANCE NO. 1679, BY AMENDING THE EMPLOYEE GUIDELINES FOR CITY EMPLOYEES; PROVIDING FOR PUBLICATION OF AMENDED EMPLOYEE GUIDELINES; PROVIDING FOR A CUMULATIVE AND CONFLICT CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the current edition of the City of Bay City Employee Guidelines for City Employees (hereinafter “Employee Guidelines”) was adopted on December 7, 2021, by passage of Ordinance No. 1679; and

WHEREAS, the Council finds it appropriate to revise the Employee Guidelines:

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

**I.
EMPLOYEE GUIDELINES AMENDED**

The Employee Guidelines adopted on December 7, 2021, by passage of Ordinance No. 1679 is hereby amended by replacing same in its entirety with the language set out in Exhibit “A” attached hereto and incorporated herein for all purposes.

**II.
PUBLICATION**

The Director of Human Resources is hereby authorized and directed to revise the publication of the “City of Bay City Employee Guidelines for City Employees” to reflect the revisions adopted herein.

**III.
CUMULATIVE & CONFLICTS**

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

**IV.
SEVERABILITY**

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

**V.
EFFECTIVE DATE**

This Ordinance shall become effective January 1, 2024.

PASSED AND APPROVED on this the 12th day of December 2023.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Ben Flores	_____	_____	_____
James Folse	_____	_____	_____
Blayne Finlay Mayor Pro Tem	_____	_____	_____
Becca Sitz	_____	_____	_____
Bradley Westmoreland	_____	_____	_____
Robert K. Nelson	_____	_____	_____

 Robert K. Nelson, Mayor,
 City of Bay City

ATTEST:

 Jeanna Thompson
 City Secretary

APPROVED AS TO FORM:

 Anne Marie Odefey, City Attorney

EXHIBIT “A”
EMPLOYEE GUIDELINES AS ADOPTED



Agenda Item Executive Summary

TMRS reached out to its cities with the option of adopting a new method to calculate COLA for retirees. Currently the City utilizes the Retro method, which requires TMRS to calculate the COLA of a retiree based on the CPI at the time they retired. The new COLA option, called the Non-Reto method, is a simpler calculation used to determine COLA for all retirees regardless of what the CPI was at time of their retirement. The Non-Reto method is more equitable for all retirees and more cost effective for the City.

Choosing the Non-Reto method allows the City to save approximately \$48,600 this year, based on our estimated payroll.

ORDINANCE _____

AN ORDINANCE REGARDING THE CITY OF BAY CITY'S TEXAS MUNICIPAL RETIREMENT SYSTEM BENEFITS: (1) ADOPTING NON-RETROACTIVE REPEATING COLAS, FOR RETIREES AND THEIR BENEFICIARIES UNDER TMRS ACT §853.404(f) and (f-1), AND (2) AUTHORIZING ANNUALLY ACCRUING UPDATED SERVICE CREDITS AND TRANSFER UPDATED SERVICE CREDITS.

Whereas, the City of Bay City, Texas (the "City"), elected to participate in the Texas Municipal Retirement System (the "System" or "TMRS") pursuant to Subtitle G of Title 8, Texas Government Code, as amended (which subtitle is referred to as the "TMRS Act"); and

Whereas, House Bill 2464, 88th Texas Legislature, R.S., 2023 ("HB 2464"), added Subsections 853.404(f) and (f-1) to the TMRS Act and authorized cities participating in the System to provide certain retirees and their beneficiaries with an annually accruing ("repeating") annuity increase (also known as a cost of living adjustment, or "COLA") based on the change in the Consumer Price Index for All Urban Consumers for the one-year period that ends 12 months before the January 1 effective date of the applicable COLA (a "non-retroactive repeating COLA"); and

Whereas, new TMRS Act §853.404(f) and (f-1) allow participating cities to elect to provide non-retroactive repeating COLAs under certain circumstances, as further described by this Ordinance, by adopting an ordinance to be effective January 1 of 2024, 2025 or 2026, in accordance with TMRS Act §854.203 and §853.404; and

Whereas, TMRS Act §853.404(f-1) provides the non-retroactive repeating COLA option applies only to a participating city that, as of January 1, 2023, either (1) has not passed an annually repeating COLA ordinance under TMRS Act §853.404(c) or had previously passed a repeating COLA ordinance and then, before January 1, 2023, passed an ordinance rescinding such repeating COLA, or (2) does provide an annually repeating COLA under §853.404(c) and elects to provide a non-retroactive repeating COLA under §853.404(f) for purposes of maintaining or increasing the percentage amount of the COLA; and

Whereas, the City Council acknowledges that the City meets the above-described criteria under §853.404(f-1) and is eligible to elect a non-retroactive repeating COLA under §853.404(f) and that such election must occur before January 1, 2026, and after that date future benefit changes approved by the City may require reversion to a retroactive repeating COLA; and

Whereas, the City Council finds that it is in the public interest to: (1) adopt annually accruing non-retroactive COLAs for retirees and their beneficiaries under TMRS Act §853.404(f) and (f-1); and (2) in accordance with TMRS Act §853.404 and §854.203(h), reauthorize annually accruing Updated Service Credits and transfer Updated Service Credits, now:

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

Section 1. Adoption of Non-Retroactive Repeating COLAs.

(a) On the terms and conditions set out in TMRS Act §854.203 and §853.404, the City authorizes and provides for payment of the increases described by this Section to the annuities paid to retired City employees and beneficiaries of deceased City retirees (such increases also called COLAs). An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of the annuity increase under this Section is computed in accordance with TMRS Act §853.404(f) as the sum of the prior service and current service annuities, as increased in subsequent years under TMRS Act §854.203 or TMRS Act §853.404(c), of the person on whose service the annuities are based on the effective date of the annuity increase, multiplied by **70%** of the percentage change in the Consumer Price Index for All Urban Consumers during the 12-month period ending in December of the year that is 13 months before the effective date of the increase under this Section.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation under this Section does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed under this Section.

(e) In accordance with TMRS Act §853.404(f-1)(2), an increase under this Section only applies with respect to an annuity payable to a TMRS member, or their beneficiary(ies), which annuity is based on the service of a TMRS member who retired, or who is deemed to have retired under TMRS Act §854.003, not later than the last day of December of the year that is 13 months before the effective date of the increase under this Section.

(f) The amount of an increase under this Section is an obligation of this City and of its account in the benefit accumulation fund of the System.

(g) The initial increase in annuities authorized by this Section shall be effective on January 1 immediately following the year in which this Ordinance is approved, subject to receipt by the System prior to such January 1 and approval by the Board of Trustees of the System ("Board"). Pursuant to TMRS Act §853.404, an increase in retirement annuities shall be made on January 1 of each subsequent year, provided that, as to such subsequent year, the actuary for the System has made the determination set forth in TMRS Act §853.404(d), until this Ordinance ceases to be in effect as provided in TMRS Act §853.404(e).

Section 2. Authorization of Annually Accruing Updated Service Credits and Transfer Updated Service Credits.

(a) As authorized by TMRS Act §854.203(h) and §853.404, and on the terms and conditions set out in TMRS Act §§853.401 through 853.404, the City authorizes each member of the System who on the first day of January of the calendar year immediately preceding the January 1 on which the Updated Service Credits will take effect (i) has current service credit or prior service credit in the System by reason of service to the City, (ii) has at least 36 months of credited service with the System, and (iii) is a TMRS-contributing employee of the City, to receive "Updated Service Credit," as that term is defined and calculated in accordance with TMRS Act §853.402.

(b) The City authorizes and provides that each employee of the City who (i) is eligible for Updated Service Credits under Subsection (a) above, and (ii) who has unforfeited prior service credit and/or current service credit with another System-participating municipality or municipalities by reason of previous employment, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in TMRS Act §853.601 (also known as "Transfer USC"), both as to the initial grant and all future grants under this Ordinance.

(c) The Updated Service Credit authorized and provided under this Ordinance shall be **100%** of the "base Updated Service Credit" of the TMRS member calculated as provided in TMRS Act §853.402.

(d) Each Updated Service Credit authorized and provided by this Ordinance shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(e) The initial Updated Service Credit authorized by this Section shall be effective on January 1 immediately following the year in which this Ordinance is approved, subject to receipt by the System prior to such January 1 and approval by the System's Board. Pursuant to TMRS Act §853.404, the authorization and grant of Updated Service Credits in this Section shall be effective on January 1 of each subsequent year, using the same percentage of the "base Updated Service Credit" stated in Subsection (c) in computing Updated Service Credits for each future year, provided that, as to such subsequent year, the actuary for the System has made the determination set forth in TMRS Act §853.404(d), until this Ordinance ceases to be in effect as provided in TMRS Act §853.404(e).

PASSED AND APPROVED on this the 12th day of December 2023,.

Robert K. Nelson, Mayor
City of Bay City

ATTEST:

APPROVED AS TO FORM:

Jeanna Thompson, City Secretary

Anne Marie Odefey, City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Ben Flores	_____	_____	_____
James Folse	_____	_____	_____
Blayne Finlay	_____	_____	_____
Mayor Pro Tem	_____	_____	_____
Becca Sitz	_____	_____	_____
Bradley Westmoreland	_____	_____	_____
Robert K. Nelson	_____	_____	_____

 Robert K. Nelson, Mayor,
 City of Bay City

ATTEST:

 Jeanna Thompson
 City Secretary

APPROVED AS TO FORM:

 Anne Marie Odefey, City Attorney

Ordinance ~ Discuss, consider, and/or approve an Ordinance of the City of Bay City, Texas adopting a "Budget Amendment #3" to the "Annual Budget of the City of Bay City, Texas, for the Fiscal Year 2023"; providing for supplemental appropriation and/or transfer of certain funds; providing for severability; and providing other matters related to the subject.



EXECUTIVE SUMMARY

BUDGET AMENDMENTS

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

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

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

ATTACHMENTS: Ordinance and Budget Amendments – Effective 9-30-23 (FINAL)

BUDGET AMENDMENT

ITEM #7.

FUND: General FundDate: 9/30/2023

Reason for Budget Amendment: (Please indicate)

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

XBrief Description of Request: **FY2023: General Fund- Various - FINAL FOR FYE 2023**

Account Description	Fund #	Account #	Expenditure Increase or Revenue Decrease	Exp. Decrease or Rev. Increase	Notes
			Debit	Credit	
					Human Resource
Contracted Services	11	120-4425	\$ 14,000		PW Director Search
Interest Income	11	3605		\$ 14,000	
					City General
Transfer Out- Streets	11	110-4728	\$ 28,000		Dedicate BC Gas Co. Funds to Streets
Other Income- BC Gas Co.	11	3696		\$ 28,000	
					Fire Dept.
Contracted Services	11	165-4425	\$ 25,000		ISO Consulting Services
Contracted Services	11	110-4425		\$ 25,000	
					Recycling Center
R & M- Furniture & Equip	11	170-4505	\$ 5,000		Replace Conveyer Belt
Interest Income	11	3605		\$ 5,000	
					Library
Grants & Donations	11	190-4497	\$ 20,000		Various Donations to Library
Donations	11	3670		\$ 20,000	
					Animal Control
Salaries & Wages	11	155-4105	\$ 4,000		
R & M- Building	11	155-4515	\$ 4,000		Shelter Improvements
Interest Income	11	3605		\$ 8,000	

The amendments above relate to the following:

TOTAL

\$ 100,000.00 \$ 100,000.00

Dept. Head Signature:

Finance Director Signature:

City Manager:

Date

Date

Date

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BAY CITY, TEXAS, ADOPTING A "BUDGET AMENDMENT #3 TO THE "ANNUAL BUDGET OF THE CITY OF BAY CITY, TEXAS, FOR THE FISCAL YEAR 2023"; PROVIDING FOR SUPPLEMENTAL APPROPRIATION AND/OR TRANSFER OF CERTAIN FUNDS; PROVIDING FOR SEVERABILITY; AND PROVIDING OTHER MATTERS RELATED TO THE SUBJECT.

WHEREAS, by Ordinance No. 1696, the City of Bay City, Texas, adopted its "Annual Budget" for Fiscal Year 2023;

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

WHEREAS, the City Council desires to amend said Original General Budget to reflect such supplemental appropriation and/or transfer in the fiscal year 2023; now, therefore,

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

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

Section 2. The "Annual Budget" of the City of Bay City, Texas, for the Fiscal Year 2023, is hereby amended as shown on "Budget Amendment #3" to the Original Budget of the City of Bay City, Texas, for the Fiscal Year 2023, attached hereto. These amendments are for municipal purposes. Said Budget Amendment shall be attached to and made a part of such Annual Budget by the City Secretary and shall be filed as required by state law, a true and correct copy of which is attached hereto as Exhibit "A" and made a part hereof for all purposes.

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

PASSED AND APPROVED on first and final reading this 12th day of December 2023.

CITY OF BAY CITY, TEXAS

Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson, City Secretary

APPROVED as to FORM:

Anne Marie Odefey, City Attorney

<u>Council Member:</u>	<u>Voted Aye</u>	<u>Voted No</u>	<u>Absent</u>
Brad Westmoreland	_____	_____	_____
Blayne Finlay Mayor Pro Tem	_____	_____	_____
Ben Flores	_____	_____	_____
Becca Sitz	_____	_____	_____
Jim Folse	_____	_____	_____

Robert K. Nelson, Mayor

ATTEST:

Jeanna Thompson, City Secretary

APPROVED AS TO FORM AND SUBSTANCE:

Anne Marie Odefey, City Attorney

~ 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 POLICE DEPARTMENT PATROL VEHICLES

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: During budget 2023/2024, City Council approved the procurement of four, fully equipped, patrol Chevrolet Tahoe's using ARPA funds. The police department has been in contact with car dealerships looking for available patrol units. Due to chip shortages and employee strikes in the vehicle industry, police agencies are being told that there is a wait time for these police package vehicles. They anticipate orders to be filled late 2024 to mid-year 2025. Hundreds of agencies are on a waiting list. We located a dealership in Caldwell Texas that currently has Dodge Chargers on the lot. We are requesting to purchase 2 Dodge Chargers, that are available now, and be placed on the waiting list for the 2 Chevrolet Tahoe's.

DEPT #	DEPARTMENT	DESCRIPTION	QTY	ORIGINAL COST	REVISED COST
150	Police Department	Chevrolet Tahoe's	4	\$284,000.00	
150	Police Department	Chevrolet Tahoe's	2		\$154,674.00
150	Police Department	Dodge Chargers	2		\$140,712.00
		Estimated Cost of Equipment		\$284,000.00	\$295,386.00
		Net Increase		\$11,386.00	

CAMERON COUNTRY DODGE
2102 THORNTON, CAMERON, TX 76520-5513
Tarrant County 2023-016

ITEM #8.

End User: Bay City Police Department

Caldwell Rep: David Lowry | Quote #1702

Contact: Edward Guzman

Phone: (903) 513-2316

Phone/ Email: eguzman@cityofbaycity.org

Date: Friday, December 1, 2023

Product Description: 2023 Dodge Charger (LDDE48) Police RWD

Email: dlowry@caldwellcountry.com

A. Bid Series: _____

A. Base Price: \$ 39,500.00

B. Published Options [Itemize each below]

Code	Model Vehicle				
LDDE48	2023 Dodge Charger (LDDE48) Police RWD				
Code	Options	Bid Price	Code	Options	Bid Price
CW6	Deactivate Rear Doors/Windows	\$0.00	HGC	Rear Shelf Silencer Insulation	\$0.00
AEB	Street Appearance Group	\$0.00	LBG	Front Reading/Map Lamps	\$0.00
26A	Quick Order Package 26A	\$0.00	PW7	White Knuckle Clearcoat	\$0.00
C8X9	Black, Heavy Duty Cloth Bucket & Rear Be	\$0.00	TWW	Tires: P225/60R18 BSW Performance	\$0.00
CK9	Delete Carpet	\$0.00	W8A	18 Wheel Covers"	\$0.00
CUF	Full Length Floor Console	\$0.00			
DFK	Transmission: 8-Speed Automatic (8HP70)	\$0.00			
EZH	Engine: 5.7L V8 HEMI MDS VVT	\$0.00			
GUK	Power Heated Mirrors w/Man F/Away	\$0.00			
Total of B. Published Options					\$ -

C. Unpublished Options [Itemize each below, not to exceed 25%]

Unpublished Options	Bid Price	Unpublished Options	Bid Price
Total of C. Unpublished Options:			\$ -

D. Registration, Inspection, Paperwork, Postage cost, Courthouse time, & Runner time:

E. Upfitter/Quote Number: _____

CAPQ-109640

F. Delivery ETA: _____

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

H. Lot Insurance (for in-stock and/or equipped vehicles):

I. Contract Price Adjustment: _____

J. Additional Delivery Charge

155 miles

K. Subtotal

L. Quantity Ordered 2 x K =

M. Trade in: _____

N. Coop Fee per purchase order

O. Total purchase price with coop fee (Prices and availability are subject to change without notice)

DISCLAIMER

PRICES AND AVAILABILITY CAN CHANGE AT ANY TIME WITHOUT NOTICE DUE TO SUPPLY CHAIN CHALLENGES. REVERIFY PRICING BEFORE ISSUING A PURCHASE ORDER. FINAL PRICE IS NOT CONFIRMED UNTIL ORDER IS ACCEPTED BY THE MANUFACTURER. ACKNOWLEDGE BY EMAIL RECEIPT THAT THE PURCHASE ORDER WAS RECEIVED BY USA AUTOMOTIVE PARTNERS, LLC. (CALDWELL COUNTRY CHEVROLET, ROCKDALE COUNTRY FORD dba CALDWELL COUNTRY FORD, CAMERON COUNTRY CDJR)

CALDWELL COUNTRY CHEVROLET
800 HWY. 21 E. CALDWELL, TEXAS 77836
BUYBOARD 724-23

ITEM #8.

End User: Bay City Police Department

Contact: Edward Guzman

Phone/ Email: eguzman@cityofbaycity.org

Product Description: 2024 Chevrolet Tahoe (CC10706) 2WD 4dr Commercial

Caldwell Rep: David Lowry | Quote #1703

Phone: (903) 513-2316

Date: Friday, December 1, 2023

Email: dlowry@caldwellcountry.com

A. Bid Series: 22-CHEVROLET TAHOE

A. Base Price: \$ 52,500.00

B. Published Options [Itemize each below]

Code	Model Vehicle				
CC10706	2024 Chevrolet Tahoe (CC10706) 2WD 4dr Commercial				
Code	Options	Bid Price	Code	Options	Bid Price
AMF	Remote Keyless Entry Package	\$0.00	IOR	Audio system, Chevrolet Infotainment 3 system,	\$0.00
9C1	Identifier for Police Package Vehicle	\$0.00	L84	Engine, 5.3L EcoTec3 V8	\$0.00
AU7	Key common, fleet	\$0.00	MHU	Transmission, 10-speed automatic	\$0.00
AZ3	Seats, front 40/20/40 split-bench	\$0.00	PXT	Wheels, 20 x 9" (50.8 cm x 22.9 cm) steel"	\$0.00
BCV	Lock control, driver side auto door lock disa	\$0.00	RC1	Skid plate, front	\$0.00
C6C	GVWR, 7400 lbs. (3357 kg)	\$0.00	RNQ	Wheel, full-size spare, matching 20 (50.8 cm) st	\$0.00
GBA	Black	\$0.00			
GU5	Rear axle, 3.23 ratio	\$0.00			
H1T	Jet Black, Cloth seat trim	\$0.00			
Total of B. Published Options					\$ -

C. Unpublished Options [Itemize each below, not to exceed 25%]

Unpublished Options	Bid Price	Unpublished Options	Bid Price
Total of C. Unpublished Options:			\$ -

D. Registration, Inspection, Paperwork, Postage cost, Courthouse time, & Runner time:

E. Upfitter/Quote Number: CAPQ-108059

F. Delivery ETA: _____

G. Floor Plan Interest (for in-stock and/or equipped vehicles):

H. Lot Insurance (for in-stock and/or equipped vehicles):

I. Contract Price Adjustment: _____

J. Additional Delivery Charge 155 miles

K. Subtotal

L. Quantity Ordered 2 x K =

M. Trade in: _____

N. Coop Fee per purchase order

O. Total purchase price with coop fee (Prices and availability are subject to change without notice)

DISCLAIMER

PRICES AND AVAILABILITY CAN CHANGE AT ANY TIME WITHOUT NOTICE DUE TO SUPPLY CHAIN CHALLENGES. REVERIFY PRICING BEFORE ISSUING A PURCHASE ORDER. FINAL PRICE IS NOT CONFIRMED UNTIL ORDER IS ACCEPTED BY THE MANUFACTURER. ACKNOWLEDGE BY EMAIL RECEIPT THAT THE PURCHASE ORDER WAS RECEIVED BY USA AUTOMOTIVE PARTNERS, LLC. (CALDWELL COUNTRY CHEVROLET, ROCKDALE COUNTRY FORD dba CALDWELL COUNTRY FORD, CAMERON COUNTRY CDJR)