



BAY CITY

REVISED MINUTES • OCTOBER 5, 2015

Council Chambers

Special Meeting

6:00 PM

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

1. THIS SPECIAL MEETING WILL BE HELD JOINTLY WITH THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S BOARD OF DIRECTOR'S MEETING.

2. CALL TO ORDER & CERTIFICATION OF QUORUM

It was certified that a quorum was present.

Attendee Name	Title	Status	Arrived
Mark Bricker	Mayor	Present	
Julie Estlinbaum	Mayor Pro-Tem	Present	
William Cornman	Councilman	Present	
Chrystal Folse	Councilwoman	Present	
Steven Johnson	Councilman	Present	
Carolyn Thames	Councilwoman	Present	

3. EXECUTIVE SESSION

Upon certification of a quorum, the meeting adjourned into a joint Executive Session with the Bay City Community Development Corporation. Interim Finance Director Beverly Griffith attended upon the request of Mayor Mark A. Bricker.

1. Report

TO CONSULT WITH CITY ATTORNEY TO RECEIVE LEGAL ADVICE REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE ENTERTAINMENT CENTER PROJECT SEEKING TO LOCATE, STAY, OR EXPAND IN BAY CITY AND REGARDING THE OFFER OF FINANCIAL OR OTHER FINANCIAL INCENTIVES TO SAME PURSUANT TO SECTIONS 551.087(1) & (2) OF THE TEXAS GOVERNMENT CODE.

Executive Director DC Dunham

2. Report

TO DELIBERATE ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING BUSINESS PROSPECTS SEEKING TO LOCATE, STAY OR EXPAND IN THE BAY CITY AREA PURSUANT TO SECTION 551.087(1) OF THE TEXAS GOVERNMENT CODE.

Mayor Mark A. Bricker

3. Report

TO DELIBERATE ECONOMIC DEVELOPMENT NEGOTIATIONS REGARDING THE OFFER OF A FINANCIAL OR OTHER INCENTIVE TO A BUSINESS PROSPECT PURSUANT TO SECTION 551.087(2) OF THE TEXAS GOVERNMENT CODE.

Mayor Mark A. Bricker

4. Report

TO DELIBERATE THE PURCHASE, EXCHANGE, LEASE OR VALUE OF REAL PROPERTY AS THE DELIBERATION IN AN OPEN MEETING WOULD HAVE A DETRIMENTAL EFFECT ON THE POSITION OF THE CITY PURSUANT TO SECTION 551.072 OF THE TEXAS GOVERNMENT CODE.

Mayor Mark A. Bricker

5. Report

PURSUANT TO SECTION 551.074 (PERSONNEL MATTERS), DELIBERATE THE APPOINTMENT, EMPLOYMENT, EVALUATION, REASSIGNMENT DUTIES, AND DISCIPLINE, OR DISMISSAL OF A PUBLIC OFFICER OR EMPLOYEE, TO WIT: BOND LEGAL COUNSEL.

This item was discussed in a private Executive Session once the joint meeting was complete. It was moved to the conference room.

4. OPEN SESSION

The Bay City Community Development Corporation adjourned their portion of the joint meeting at 7:15 PM.

1. Report

ADJOURN EXECUTIVE SESSION, RECONVENE OPEN SESSION: TAKE ACTION AS NECESSARY AS A RESULT OF THE EXECUTIVE SESSION, AND ADVISE STAFF AS NECESSARY.

Mayor Mark A. Bricker

After the joint meeting adjourned, the City Council went back into an Executive Session to discuss Item #5 - Personnel Matters. They reconvened back into Open Session for a second time at 7:30 PM

2. Report

FIRST READING OF THE RESOLUTION OF THE CITY OF BAY CITY, TEXAS AUTHORIZING THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S CINEMA/INDOOR ENTERTAINMENT CENTER ON PROPERTY LOCATED AT THE CORNER OF MCCROSKY ROAD AND 7TH STREET, BAY CITY, TEXAS PURSUANT TO SECTION 505.158(b) OF THE TEXAS LOCAL GOVERNMENT CODE.

The resolution was read by Mayor Mark A. Bricker.

3. Resolution

SECOND READING OF THE RESOLUTION OF THE CITY OF BAY CITY, TEXAS AUTHORIZING THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S CINEMA/INDOOR ENTERTAINMENT CENTER ON PROPERTY LOCATED AT THE CORNER OF MCCROSKY ROAD AND 7TH STREET, BAY CITY, TEXAS PURSUANT TO SECTION 505.158(b) OF THE TEXAS LOCAL GOVERNMENT CODE.

The resolution was read a second time by Mayor Mark A. Bricker.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Julie Estlinbaum, Mayor Pro-Tem
SECONDER:	Carolyn Thames, Councilwoman
AYES:	Estlinbaum, Cornman, Folse, Johnson, Thames

RESOLUTION

Enacted and approved this 5th day of October, 2015, at Bay City

4. Report

CONSIDERATION AND ACTION ON A RESOLUTION OF THE CITY OF BAY CITY, TEXAS AUTHORIZING THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S CINEMA/INDOOR ENTERTAINMENT CENTER ON PROPERTY LOCATED AT THE CORNER OF MCCROSKY ROAD AND 7TH STREET, BAY CITY, TEXAS PURSUANT TO SECTION 505.158(b) OF THE TEXAS LOCAL GOVERNMENT CODE.

This resolution was approved.

5. Report

CONSIDERATION, DISCUSSION, AND ACTION AUTHORIZING THE CITY TO ENGAGE THE SERVICES OF BOND LEGAL COUNSEL TO FACILITATE THE ISSUANCE AND SALE OF CERTIFICATES OF OBLIGATIONS TO FINANCE THE PUBLIC IMPROVEMENTS RELATED TO THE BAY CITY COMMUNITY DEVELOPMENT CORPORATION'S CINEMA/INDOOR ENTERTAINMENT CENTER PROJECT ON PROPERTY LOCATED AT THE CORNER OF MCCROSKY ROAD AND 7TH STREET, BAY CITY, TEXAS, AND DIRECT STAFF AS NECESSARY.

No action was taken.

6. Report

CONSIDERATION, DISCUSSION, AND ACTION AUTHORIZING STAFF TO NEGOTIATE AND PREPARE AN ECONOMIC DEVELOPMENT REIMBURSEMENT AGREEMENT WITH BCCDC FOR BCCDC TO REIMBURSE AND REFUND THE CITY'S SERVICE OF DEBT INCURRED FOR THE CONSTRUCTION OF THE PARKING LOT, STREETS, UTILITIES THAT SHALL SERVE THE CINEMA/INDOOR ENTERTAINMENT CENTER PROJECT, AND DIRECT STAFF AS NECESSARY.

This agreement was approved. Councilwoman Carolyn Thames made a motion and Mayor Pro Tem Julie Estlinbaum seconded the motion.

5. ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

6. ADJOURNMENT

AGENDA NOTICES:

Action by Council Authorized:

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

privileged consultation between the City Attorney and the governing body, if considered necessary and legally justified under the Open Meetings Act. The City Attorney may appear in person, or appear in executive session by conference call in accordance with applicable state law.

Attendance By Other Elected or Appointed Officials:

It is anticipated that members of other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commissions and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also noticed as a meeting of the other boards, commissions and/or committees of the City, whose members may be Agenda City Council August 8, 2013 in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

Executive Sessions Authorized:

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

This is to certify that the above notice of a Workshop Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on Friday, October 2, 2015 before 6:00 p.m. Any questions concerning the above items, please contact Mayor Mark A. Bricker at (979) 245-2137.

Rhonda Clegg
City Secretary