CITY COUNCIL REGULAR MEETING
CITY OF BAY CITY

Tuesday, January 25, 2022 at 6:00 PM
COUNCIL CHAMBERS | 1901 5th Street

COUNCIL MEMBERS

Mayor: Robert K Nelson
Mayor Pro Tem: Jason W. Childers
Council Members: Becca Sitz, Bradley Westmoreland, Floyce Brown, Jim Folse

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

AGENDA

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

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

CALL TO ORDER

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

Councilman Bradley Westmoreland

CERTIFICATION OF QUORUM

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

Councilman Bradley Westmoreland

APPROVAL OF AGENDA

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

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

APPROVAL OF MINUTES

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

REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL

2. **Discussion ~ Discuss concerns regarding street conditions of Chapparral Drive.** E M "Eddie" Douglas, Resident

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

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

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

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

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

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

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

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

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

CLOSED / EXECUTIVE SESSION

12. Pursuant to Texas Government Code 551.071(1) to consult with its attorney on attorney client matters.

13. Executive Session pursuant to Texas Government Code Section 551.072 (Deliberation regarding Real Property).

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

ITEMS / COMMENTS & MAYOR AND COUNCIL MEMBERS

ADJOURNMENT

AGENDA EXHIBIT ITEM #10

A RESOLUTION OF THE CITY OF BAY CITY, TEXAS APPROVING AN ADDENDUM TO ENGAGEMENT AGREEMENT WITH BRACEWELL LLP RELATING TO PUBLIC IMPROVEMENT DISTRICTS

1. The City of Bay City, Texas (the "City") desires to establish public improvement districts ("PIDs") and issue bonds and other obligations from time to time as authorized by Texas Statutes, in order to finance or refinance finance public improvements within PIDs;

2. Bracewell LLP's ("Bracewell" or the "Firm") is a full service firm that includes a national public finance practice and has the necessary competence, qualification and experience to serve as bond counsel for the City in connection with the issuance of such obligations;

3. Bracewell currently serves as bond counsel for the City, and the proposed addendum would add the issuance of bonds and other obligations associated with PIDs to Bracewell's scope of services;

4. The City's attorneys and supporting personnel do not have the required experience, qualifications or resources to adequately perform bond counsel services for the issuance of bonds or other obligations;

5. Given the nature of bond counsel services and the source of payment therefor (being from the proceeds of bonds or other obligations issued by the City) such legal services cannot reasonably be obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency; and

6. Entering into a contingent fee contract with Bracewell for these additional bond counsel services is in the best interest of the residents of the City as the City will have competent, qualified and experienced counsel to advise on the issuance of the bonds and other obligations, and the provision of such legal services will not financially impact the City as the compensation for such services will be paid from the proceeds of such bonds or other obligations.

AGENDA NOTICES:

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

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

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

CERTIFICATION OF POSTING

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Friday, January 21, 2022 before 6:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.