# CITY COUNCIL REGULAR MEETING
# CITY OF BAY CITY

**Tuesday, January 11, 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 Jim Folse*

**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 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.

**APPROVAL OF MINUTES**

1. **City Council Regular Meeting minutes of December 21, 2021**

2. **City Council Special Called Meeting minutes of January 6, 2022**

**CONSENT AGENDA ITEMS FOR CONSIDERATION AND/OR APPROVAL**

3. **Accounts Payable, Direct Payable and Utility Refunds for October, November, and December 2021**

4. **Consider and/or approve invoices recommended by the TIRZ #1 Board to pay out of TIRZ #1 Funds.**

**PUBLIC HEARING**

5. **Public Hearing ~ Review performance and obtain public comments regarding City's 2019 Texas CDBG Program Community Development Contract No. 7219029.** Alyssa Dibbern, City Engineer Tech

**REGULAR ITEMS FOR DISCUSSION, CONSIDERATION AND/OR APPROVAL**

6. **Annexation ~ Discuss and take any action deemed necessary to receive and accept annexation petitions from Arthur Millberger, et al and set date and time for public hearing regarding the same as required by Texas Local Government code 43.0673.** Anne Marie Odefey, City Attorney

7. **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 an amendment to the existing Tax Increment Reinvestment Zone Number One (TIRZ #1) upon the approval of TIRZ #1 Board.** Shawna Burkhart, City Manager

8. **Agreement ~ Discuss, consider, and/or approve an amendment under the terms of the approved development agreement for Phase II between Reinvestment Zone Number One (TIRZ #1), City of Bay City, and Sal Holdings, LLC.**

9. **Agreement ~ Discuss, consider, and/or approve an Interlocal Agreement between the City of Bay City and Matagorda County regarding the Bay City Public Library.** Samantha Denbow, Library Director

10. **Discussion ~ Discuss and give staff direction regarding water well at the Bay City Regional Airport.**

11. **Resolution ~ Discuss, consider, and/or approve a Resolution in support of the submission of an application to the 2022 competitive Housing Tax Credit (HTC) program through the Texas Department of Housing and Community Affairs**

**(TDHCA) by Tejas Cove Senior Housing Limited Parnership, for the rehabilitation of Tejas Cove Apartments.**

12. **Agreement ~ Discuss, consider and/or approve an Interlocal Agreement between the City of Bay City and Matagorda County for the operation of the Bay City Service Center.** Scotty Jones, Finance Director

**CLOSED / EXECUTIVE SESSION**

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

**ITEMS / COMMENTS FROM MAYOR AND COUNCIL MEMBERS**

**ADJOURNMENT**

## AGENDA NOTICES:

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

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

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

## CERTIFICATION OF POSTING

This is to certify that the above notice of a Regular Called Council Meeting was posted on the front window of the City Hall of the City of Bay City, Texas on **Friday, January 7, 2022 before 6:00 p.m.** Any questions concerning the above items, please contact Mayor Robert K. Nelson at (979) 245-2137.