



**AGENDA  
REGULAR MEETING  
HITCHCOCK CITY COUNCIL  
HITCHCOCK CITY HALL COUNCIL CHAMBER  
7423 HIGHWAY 6, HITCHCOCK, TEXAS  
Monday, June 26, 2023, 6:00 P.M.**

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Citizen Comments:

**PLEASE NOTE:** Public comments and matters from the floor are limited to 3 minutes in length. If you would like to request to speak, please do so in advance of the meeting by filling out a Request to Address Council form. All in attendance are required to remove hats and/or sunglasses (dark glasses) during meetings and to also silence all cell phones and electronic devices.

Speakers must address their comments to the presiding officer rather than to individual council members or staff. Speakers will be allowed a maximum of 3 minutes to speak. Speakers making personal, impertinent, profane, or slanderous remarks will be given a warning before losing the privilege to speak or may be removed from the room. Unauthorized remarks from the audience, stamping of feet, whistles, yells, and similar demonstrations/distractions will not be permitted. No placards, banners or signs will be permitted in the Chambers or in any room in which the Council is meeting. In accordance with the Texas State Open Meetings Act, the City Council is restricted from discussing or taking action on items not listed on the agenda.

**5. Public Hearing:**

- a. Public hearing on a zone change request submitted by Michael Rodriguez to rezone property located at 7507 Pigeon Drive, Hitchcock, Galveston County, Texas 77563 Property ID 518210. Legal Description: ABST 48 L CRAWFORD SUR TR 23-2-5, ACRES 1, from Agriculture Residential (AR) to Single Family Residential (SFR). (Arnold Cross, Jr., Community Development Director)

**Proclamation:**

6. Presentation of a Proclamation recognizing the officers who successfully worked in the search and rescue of a missing teen.

## **7. Consent Agenda Items (A-I):**

All consent items listed are considered routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items, unless a Council Member so requests, and if such a request is made, the item will be removed from the Consent Agenda and considered in a normal sequence on the agenda.

- (A) Approval of minutes for Regular City Council Meeting dated May 15, 2023.
- (B) Approval of Investment Report for the month ending May 31, 2023.
- (C) Approval of Financial Report for the month ending May 31, 2023.
- (D) Approval of Accounts Payable Report for the month ending May 31, 2023.
- (E) Accepting the resignation of Judge Mike Nelson as Municipal Court Judge.
- (F) Accepting the resignation of Paul Roach from the Planning & Zoning Commission.
- (G) Accepting the resignation of Tyler Robert as the Hitchcock Economic Development Corporation's Economic Development Director.
- (H) Accepting the report on the first annual Lone Star Gumbeaux Festival.
- (I) Accepting the proposal from Earthscapes of Texas, Inc. to provide landscaping and irrigation services for the new City Hall building and parking lot.

## **Items for Individual Consideration:**

- 8. Swearing in of Mary Combs Demby by Judge M. Douglas Rotenberry:
  - a. Mary Combs Demby, Council Member District 1
- 9. Discussion and appropriate action appointing Municipal Court Judge for a two-year term.
  - a. Swearing in of M. Douglas Rotenberry, Municipal Court Judge by City Secretary
- 10. Presentation on the FY 2022 annual financial audit and acceptance. (Patrick Simmons, Whitley Penn).
- 11. Presentation by Jared M. Williams, CEO of Family Services for Mental Health & Wellbeing. (Jared M. Williams and Keith Henry).
- 12. Discussion and appropriate action on a zone change requested by Michael Rodriguez to rezone his property located at 7507 Pigeon Drive, Hitchcock, Galveston County, Texas 77563 Property ID 518210; Legal Description: ABST 48 L CRAWFORD SUR TR 23-2-5, ACARES 1, from Agriculture Residential (AR) to

Single Family Residential (SFR). (Arnold Cross, Jr., Community Development Director)

13. Performance Services Inc. project progress report. (David Craig, Performance Services, Inc.)
14. Discussion and appropriate action appointing Jackson Walker LLP as bond council; authorizing the City Manager to execute certain documents relating to the engagement of Jackson Walker: LLP; and other matters in connection thereto. (Marie Gelles, City Manager)
15. Discussion and appropriate action appointing Jackson Walker LLP as special counsel to the City for services related to the negotiations and documentation for the Gulf Breeze Public Improvement District (PID); authorizing the City Manager to execute all necessary documents relating to the engagement of Jackson Walker LLP; and other matters in connection thereto. (Marie Gelles, City Manager)
16. Discussion and appropriate action appointing/re-appointing Hitchcock Economic Development Corporation (HEDC) Board Members.
17. Discussion and appropriate action regarding adopting an Ordinance by the City Council of the City of Hitchcock, Texas creating a Capital Improvements Advisory Committee. (Marie Gelles, City Manager)
18. Discussion and appropriate action regarding the renewal of insurance rates for employee group health, dental, life, accidental death and dismemberment, and vision care for Plan Year 2023-2024 with TML Health Benefit Pool. (Marie Gelles, City Manager)
19. Discussion and appropriate action canceling the July 17, 2023, regular City Council meeting and rescheduling the meeting to July 31, 2023. (Marie Gelles, City Manager)
20. Discussion and appropriate action regarding a Resolution of the City Council of the City of Hitchcock, Texas, approving the purchase by the Hitchcock Economic Development Corporation of approximately .25 acres of real property located at 8117 Hwy 6, Hitchcock, Texas; and providing for signatory authority. (Marie Gelles, City Manager)

#### **EXECUTIVE SESSION:**

21. Executive Session: Adjournment to Executive Session Pursuant to Texas Government Code Section 551.071(1)(A) to consult with the City Attorney to seek his advice on contemplated litigation and settlements, and Section 551.074(a)(1) Personnel Matters, and Section 551.072 deliberation regarding real property.
22. Reconvene into Open Session:
23. Consider possible action or give direction on items legally discussed in Executive Session.

24. Adjourn:

In order to best facilitate actions by the City Council items may be taken out of order as posted.

\*If, during the course of the meeting, discussion of any item on the agenda should be held in a closed meeting, the City Council of the City of Hitchcock reserves the right to conduct a closed meeting in accordance with the Texas Open Meetings Act, Texas Government Code, Chapter 551, Subchapters D and E, including but not limited to the following provisions: (1) Section 551.071 – consultation with attorney, (2) Section 551.072 – deliberation regarding real property, (3) Section 551.074 – deliberation regarding personnel matters, and/or complaints against city personnel, and (4) Section 551.087 – deliberations regarding economic development negotiations. Before any closed meeting is convened, the presiding officer will publicly identify the section or sections of the Act authorizing the closed meeting. All final votes, actions, or decisions will be taken in open meeting.

I, DEBBIE C. NESBITT, CITY SECRETARY OF THE CITY OF HITCHCOCK DO HEREBY CERTIFY THAT THE ABOVE NOTICE OF MEETING WAS POSTED AT CITY HALL IN THE CITY OF HITCHCOCK, TEXAS ON THE 23rd DAY OF JUNE 2023 AT 4:00 P.M. AT A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULED TIME OF SAID MEETING.

  
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Debbie C. Nesbitt, City Secretary

**City of Hitchcock, Texas**  
**Notice of Contingent Fee Engagement of Bond Counsel**

The City of Hitchcock, Texas (the “City”) is considering issuing bonds or other obligations (“Bonds”) to pay or refinance the costs of one or more projects of the City. The City Council of the City (“City Council”) has determined that the City should engage legal counsel that specializes in public finance and is well versed in federal tax law and federal securities law to provide specialized legal services to the City in connection with the issuance of the Bonds.

Pursuant to Section 2254.1036, Texas Government Code notice is hereby given that the City at a public meeting on June 26, 2023, shall consider the engagement of Jackson Walker LLP (the “Firm”) to serve as bond counsel to the City (“Bond Counsel”) pursuant to an engagement agreement which includes contingency fee payment provision under which payment of the fees for services shall be made at or immediately after the closing of the transaction for the issuance of the Bonds out of the proceeds of the Bonds. The Firm has no prior relationship with the City or the City Council other than as serving as bond counsel in prior City financings.

The City desires to engage the Firm as Bond Counsel based on the demonstrated competence and qualifications of such attorneys including without limitation the experience of such attorneys as a nationally-recognized bond counsel and the previous experience of such attorneys as bond counsel to the City; finding that (i) such legal services require specialized expertise and experience in municipal finance, federal tax law and federal and state securities laws and therefore cannot be adequately performed by the attorneys and supporting personnel of the City, (ii) the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained and/or because the City would have to pay such attorneys their fees from unrestricted funds in the City’s general fund, regardless of whether the Bonds are successfully issued, and such amounts are limited and needed for other uses, and (iii) entering into the contingent fee contracts for legal services is in the best interest of the residents of the City because such firm will only be paid if the contemplated transaction is successfully completed and closed.