

## Regular Meeting - Tuesday, March 27, 2018 – 6:30 PM.

The members of City Council convened for a Regular Meeting of the City of Bayou Vista City Council on Tuesday, March 27, 2018, at 6:30 p.m., at the Community Center, - 783C Marlin, corner of Neptune and Marlin, Bayou Vista, Texas, concerning the following items:

A quorum of the City Council was present and included the following:

Mayor:	Daniel Konyha	Absent with Notice
Position 1:	Bob Althaus	Present
Position 2:	Tami Inman	Present
Position 3:	Carlos Price	Present
Position 4:	Louis Wortham	Present
Position 5:	James L. Cook, III	Present

Legal Counsel was present

### 1. **Call Meeting to Order**

Mayor Pro Tem James L. Cook, III called the meeting to order at 6:32 p.m.

### 2. **First Order of Business**

**A. Announcement by the Mayor Pro Tem of the presence of a quorum that the meeting had been duly called, and the notice of the meeting had been posted in the manner prescribed by law.**

### 3. **Roll Call**

Roll call was taken as reflected above.

### 4. **Pledge of Allegiance and Pledge to the Texas Flag**

The Pledge of Allegiance and Pledge to the Texas Flag were led by Mayor Pro Tem Cook.

### 5. **Citizen's Comments on Agenda Items Only**

The homeowner of 1059 Redfish presented his proposal for request of re-plat, Action Item 8-A.

Citizens expressed their support of adjusting ordinances within reasonable limitations of property owner restrictions. Citizens want a clean and neat neighborhood.

### 6. **Consent Agenda: All of the following items on the Consent Agenda are considered to be routine by the City Council and will be enacted in one motion. There will not be separate discussion of these items unless a Council Member requests:**

#### **A. Approval of the Minutes of:**

- **Regular Meeting of February 27, 2018.**

A motion was made by Alderman Price to approve the Minutes of the Regular Meeting of February 27, 2018 as presented.

The motion was seconded by Alderman Inman.

Motion carried all in favor.

## 7. SPECIAL REPORTS AND PRESENTATIONS

### A. City Departmental Reports

- **Police Department activity report for the month of February 2018.**
- **Municipal Court activity report for the month of February 2018.**
- **Building Permit activity report for the month of February 17<sup>th</sup> thru March 16<sup>th</sup>, 2018.**
- **Code Enforcement activity report for the month of February 2018.**

The City Council reviewed the reports as presented.

### B. Review and discuss the Financial Statement ending February 28, 2018, prepared by Whitley-Penn.

Financials ending January 2018 were presented and reviewed by Council.

### C. Review and discuss the Financial Statement Audit as prepared by Steven L. Jenkins, CPA, for Fiscal Year 2016-2017.

Financial Statement Audit Fiscal Year 2016-2017 was reviewed by Council.

### D. Special Reports by Aldermen – if any.

#### **Alderman Inman will give an update and report on Flood Maps and County Bond.**

Alderman Inman gave report on the following:

The Hwy 6 ditch retaining wall repair - TXDOT has been out 3 times in the past week and the repair has been placed on the schedule. They will also be address a solution to the stagnant water and mosquito growth. And

The I45 expansion project - Alderman Inman will be meeting with a representative from the engineering group to discuss whether or not the sound barrier wall for Bayou Vista is needed and if it is helpful or harmful to the City. And

The County Road Bond; the County will be investing \$400K of the Bond in the repair of the roads in Bayou Vista, and are also willing to match City dollar for dollar of additional monies. And

The FEMA Flood Maps; Alderman Inman explained the flood maps have been submitted to the engineering group for review to ensure the City has gained the maximum amount of change. The City has 90 days to appeal the maps as they have been drawn. However, it is a concern that we may possibly lose the ground that has been gained if we do not accept the maps as presented. Once the engineering group completes their review we will know more.

Alderman Althaus reported the Street Light Project was due to have been completed at this time however, there has been a delay therefore it may be an additional 2 months before completion. He also gave report on the Bay Area Economic Partnership has done a lot of work to prevent flooding of the coastal areas. Alderman Althaus proposes a discussion for the next Council Meeting with regard to hosting a Community Meeting to hear Mr. Seal proposal to stop flooding, and suggests we include Original Bayou Vista, Omega Bay, and Tiki Island.

**8. ACTION ITEMS:**

**A. Consider and take possible action to approve a re-platting request of lot 1059 Redfish as to the request for possible re-platting.**

A lengthy discussion ensued regarding the options for re-platting and whether or not the properties had ever been platted together. City Secretary is waiting for a call from Galveston County Real Property Records Department with an answer to the re-plat. There were options of possible re-plat solutions discussed among the Council and shared with the property owner.

A motion was made by Alderman Inman to table the Action Item until clarification from Galveston County Real Property Records comes through to see if the re-plat is necessary and then the property owner may bring back the redraw.

The motion was seconded by Alderman Wortham.

Motion carried all in favor.

**B. Consider and take possible action to approve the request for variance to allow the installation of a cargo lift at 283 Barracuda.**

A motion was made by Alderman Price to approve the variance allowing the homeowner to place the cargo lift at the preferred location on the side of the house.

The motion was seconded by Alderman Inman.

Motion carried all in favor.

**C. Consider and take possible action to approve the re-plat request submitted by 1173 Sailfish.**

A motion was made by Alderman Inman to approve the re-plat of 1173 Sailfish with the condition the property owner must bring the dock back into compliance with the five (5) foot setback regulation.

The motion was seconded by Alderman Price.

Motion carried all in favor.

**D. Consider and take possible action to approve the Resolution authorizing the aerial spraying for mosquitoes by Galveston County Mosquito Control District.**

A motion was made by Alderman Price to approve the Resolution authorizing the aerial spraying for mosquitoes by Galveston County Mosquito Control district.

The motion was seconded by Alderman Wortham.

Motion carried all in favor.

- E. Consider and take possible action to approve **ORDINANCE NO. 2018-05 AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BAYOU VISTA, TEXAS, BY REPEALING ARTICLE 3.02.00 DEVELOPMENT STANDARDS FOR LOTS RESTRICTED OR USED FOR SINGLE-FAMILY RESIDENTIAL USE, IN ITS ENTIRITY, RESERVING ARTICLE 3.02.00 FOR FUTURE USE, AND FURTHER BY MOVING THE FORMER CONTENTS OF ARTICLE 3.02.00 TO CHAPTER 7, OFFENSES AND NUISANCES, MORE SPECIFICALLY IN A NEW ARTICLE 07.09.00 WITH A FEW MODIFICATIONS TO THE PRIOR LANGUAGE, INCLUDING (1) CLARIFYING THE DEEMING OF A CLOSED MOTOR HOME OR TRAVEL TRAILER, AND FURTHER LIMITING THE TOTAL NUMBER OF TRAILERS, INCLUSIVE OF A MOTOR HOME OR TRAVEL TRAILER, AND FURTHER LIMITING THE TOTAL NUMBER OF GOLF CARTS AND/OR ALL TERRAIN VEHICLES (ATV'S) OUTSIDE ON A RESIDENTIAL LOT IN PUBLIC VIEW, AND FURTHER REVISING ARTICLE 07.07.02 (B) TO DELETE A TYPOGRAPHICAL ERROR WITH RESPECT TO THE DISTANCE CALCULATION APPLYING TO SEX OFFENDERS; WITH ALL OTHER SECTIONS AND SUBSECTIONS IN CHAPTER 7 TO REMAIN AS WRITTEN REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY AND PROVIDING FOR SEVERABILITY.**

A motion was made by Alderman Inman to approve Ordinance 2018-05 with the spelling errors corrected in 07.09.03 Penalty.

The motion was seconded by Alderman Althaus.

The motion carried by majority vote; 4 – For 1 - Opposed

## 9. COMMENTS

- **Citizen's**

Citizen commended Alderman Inman and the rest of the committee for what they have accomplished in getting the flood maps improved. It was also recommended that Council accept the maps as proposed so there is no loss of ground that has been gained.

Concern was also expressed that FEMA may not cover properties if they are not in compliance.

It was brought to Council's attention that the bulkhead behind the city pool and playground needs repair.

Citizens are concerned the sound barrier walls would cause issues with flooding and damage. There were offers of help in speaking with the engineers with regard to the walls.

- **Aldermen's**

Alderman Inman thanked everyone for coming to the meeting. She also explained when Omega Bay requested the sound barrier walls be placed a study was done which extended to Bayou Vista. Our goal is to find out the result of the study and to find out if we as a City have a right to opt out of having the walls built.

Alderman Inman made a request to have a Special Called Meeting next week to be able to move forward with the City's playground, pavilion and parking lot projects.

Mayor Pro Tem asked the Council if they each would be available to attend a Special Called Meeting on Tuesday April 3<sup>rd</sup>, at 6:30 p.m.. Council confirmed availability and the Special Called Meeting was scheduled.

Alderman Wortham was glad Action Item 8E was on the agenda, but it is incomplete in his view. Addressing the ordinance violations is a slow progression over time and it is a good thing it is being worked on. There is a good momentum going in making the changes and corrections and it should be continued so that all of our homes meet that minimum aesthetic appeal.

- **Mayor Pro Tem's – The annual records management on-site shredding for City Hall, BVPD & Municipal Court will be taking place on March 29<sup>th</sup>, 2018.**

Mayor Pro Tem thanked everyone for attending and Council for their patience with him and Legal Counsel for his assistance.

## 10. ADJOURNMENT

A motion was made by Alderman Wortham, seconded by Alderman Inman, duly put and unanimously carried, the Council adjourned at 8:06 p.m.

Respectfully submitted,  
Lisa Mitchell – Administrative Assistant

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Daniel S. Konyha, Mayor

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Lisa Mitchell – City Secretary