

**REGULAR MEETING  
NOVEMBER 27, 2018**

The members of City Council convened for a Regular Meeting – Budget Workshop of the City of Bayou Vista City Council on Tuesday, November 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	Present
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 Konyha called the meeting to order at 6:31 p.m.

**2. Roll Call**

Roll call was taken as reflected above.

**3. First Order of Business**

A. Announcement by the Mayor 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.

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

The Pledges were led by Mayor Konyha

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

Citizens expressed their concern that Ordinance 2018-13 will cause undue expense on citizens and is incredibly restrictive. It was also stated that if the intent was to have a more neatly maintained appearance in the City then have Code Enforcement cite persons who do not maintain their area.

Citizens stated their support in the Saltwater Garden Clubs proposal to place a Texas Wildflower Garden and water box in the City lot between Bonita and Redfish, with the City Paying the monthly water bill.

**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 – October 30, 2018**

A motion was made by Mayor Pro Tem Cook to approve the Minutes of Regular Meeting of October 30, 2018 as presented.

The motion was seconded by Alderman Price.

Motion carried all in favor.

**7. SPECIAL REPORTS AND PRESENTATIONS**

**A. City Departmental Reports**

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

Council reviewed the reports.

Mayor Pro Tem Cook explained that when the Code Enforcement report was created there were no open complaints so none show. However, if there were open complaints they would be listed respectively.

**B. Discuss and accept the Financial Statement ending October 2018, prepared by Whitley-Penn.**

Council reviewed.

**C. Special Reports by Aldermen.**

Alderman Inman gave an update on the Road Bond (road repairs), stating the meeting with the County Engineer and Commissioner Guisti has been pushed back due to Grant issues pulling the engineer away.

Mr. Don Johnson of the Houston Galveston Subsidence District Board gave report of the rebates being given to the cities he has been working on finally being implemented for the unused water allocations. He stated that Galveston County cities are historically good stewards of water conservation.

**8. ACTION ITEMS**

- A. Consider and take possible action to approve the planting/placement of a wildflower garden on the City's lot located between Bonita and Sailfish by the Saltwater Garden Club and as well as the placement of a water line to be ran and used for watering the garden, also paid for by SWGC, to allow watering of the garden, with the City paying the monthly water bill.**

Denise Blair of the Saltwater Garden Club explained the proposal of the 50 ft. by 100 ft Area the SWGC would like to place a Texas State Wildflower garden. The club would pay to place and plant the garden as well as having a water box put in. The club is requesting the City of Bayou Vista to pay the monthly water bill for this garden.

A motion was made by Alderman Price to approve the Saltwater Garden Club's request including the City of Bayou Vista paying the monthly water bill.

The motion was seconded by Mayor Pro Tem Cook.

Motion carried all in favor.

- B. Consider and take possible action to approve ORDINANCE NO. 2018-12 an ordinance amending the Code of Ordinances of the City of Bayou Vista, Texas Chapter 1 Entitled General Provisions; Article 01.05.00 Entitled Fiscal Year; Section 01.05.04 Entitled Special Funds – by amending Subsection A., for the purpose of increasing the Fund Balance of the Emergency Fund Account limit to \$250,000; with all other sections and subsections in this Chapter to remain as written repealing all ordinances or parts of ordinances inconsistent or in conflict herewith; providing for a penalty and providing for severability.**

Mayor Konyha explained the need for the increase, stating a lesson learned of the expense after Harvey and the City only paid out monies for the increase in Police Department services. The expense would be much greater if a catastrophe directly hit the City of Bayou Vista.

A motion was made by Alderman Inman to approve Ordinance No. 2018-12 as presented.

The motion was seconded by Alderman Price.

Motion carried all in favor.

- C. Consider and take possible action to approve ORDINANCE NO. 2018-13 an ordinance amending the Code of Ordinances of the City of Bayou Vista, Texas, by amending Chapter 7, offenses and Nuisances, more specifically in Article 07.09.02 Residential Lot Restrictions and Development Standards by adding Subsection (G), restricting any and all vehicles or trailers to be located entirely on and over a concrete, asphalt or gravel and the distance any and all vehicles or trailers shall be from the nearest edge of the roadway 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 lengthy discussion ensued among the City Council Members.

Mayor Pro Tem Cook made a motion to decline Ordinance No. 2018-13.

The motion was seconded by Alderman Inman.

Motion carried all in favor.

- D. Consider and take possible action to select and approve which roads to use the Galveston County Road Bond money on.**

Mayor Konyha apologized for pressing this matter forward so quickly but stated Council needed to get a response to Galveston County Commissioners as to which streets repairs need to be conducted first.

Council discussed the which streets and in which order of importance they fall.

A motion was made by Alderman Inman to submit the streets in the following respective order of importance Blue Heron, Tarpon, and Pompano, to the Galveston County Commissioners.

The motion was seconded by Alderman Wortham.

Motion carried all in favor.

**9. DISCUSSION**

**A. Discussion with residents/property owners regarding ban on short term rentals a.k.a. Air BnB, including home sharing.**

A large number of residents expressed their concern in regard to the short term rentals and the things they believed to be problems involved in allowing this type of rental. It was stated that people who rent short term have no stake in the care and upkeep of this community. The STRs usually come for a vacation weekend and want to party, creating noise that disturbs the neighbors. Residents do not feel safe and comfortable having STRs in and out of the neighborhood. Residents also stated the reason they chose to purchase a home here is due to knowing STR are not permitted.

There were a couple of residents who believe STR do not cause any issues and should be allowed. One resident stated they want to do home sharing where they are present on the property with the renters and no problems should occur. It was also stated the renters come to relax and enjoy.

A motion was made by Alderman Inman to close the floor discussion.

The motion was seconded by Alderman Althaus.

Motion carried all in favor.

Council discussed this issue in length.

Alderman Inman encouraged residents to reach out to their legislature to let them know how they feel in regard to STR. She state she feels that Councils Job is to protect the City and residents and is against the STR – This is a Single Family Resident City.

Mayor Pro Tem Cook believes Council should enforce the code that is in the Ordinances and not borrow trouble of “what if” in future.

Alderman Price pointed out this is a Discussion Item not an Action Item so at this time nothing is required to be changed. He stated if you do a full time supervision of STR it would then be restrictive to exclude others and could create problems.

Alderman Wortham stated he believes the Council should enforce the Ordinance in the Codes and if told by a Court it is unenforceable then the changes can be made. This will take continued attention and should be enforced.

**B. Discuss the next step in handling the compliance of the removal of the pool wall and lowering the roof of the hot tub located at 82 Tarpon.**

Alderman Inman explained the pool wall sits on a bulkhead and directly on the property line and is affecting the neighbors bulkhead. A previous Council, years ago had ruled the wall must be removed but did not follow through.

Alderman Price suggests the formation of a committee to address this situation.

Mayor Konyha agreed and will be setting that committee up.

**C. Discuss employment options pertaining to the position of City Secretary.**

Mayor Konyha announced the resignation of the City Secretary, Lisa Mitchell, She will be leaving at the end of the year to take an opportunity to retire within 6 months with the County of Galveston with full benefits. He stated at this time this discussion is no longer necessary.

**10. COMMENTS**

• **Citizen's Comments**

Citizens asked if STR code is being enforced and if so maybe there should be a discussion about increasing the fines. It was also stated the existing codes need to be enforced before creating new ones.

It was requested by a citizen that people decorated their boat and participate in the Boat Parade on December 8<sup>th</sup>.

A citizen expressed thanks to the Council for listening and making good decisions.

• **Aldermen Comments**

Alderman Althaus stated he was the one who requested Ordinance 2018-13, after seeing the ruts he caused on his property when backing his trailer. He thought this would be a way to help keep the City neat.

Alderman Inman said thanks to the citizens for the emails and if there are any questions about where she stands just email her and she will tell you.

Alderman Wortham stated his appreciation for the emails from the citizens, it is helpful to know where the community stands. He agrees there needs to be a Discussion Item before an Ordinance is presented. If you see something wrong the Council needs to know about it. And thank you Lisa.

Mayor Pro Tem Cook expressed his thanks for the emails.

• **Mayor's Comments**

Mayor Konyha stated his thanks to all who came out to the meeting.

**11. ADJOURNMENT**

A motion was made by Alderman Inman, seconded by Alderman Althaus, duly put and unanimously carried, the Council adjourned at 8:35 p.m.

Respectfully submitted,  
Lisa Mitchell – Administrative Assistant

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Daniel S. Konyha, Mayor

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Lisa Mitchell – City Secretary