

REGULAR MEETING & PUBLIC HEARING

Tuesday, March 26, 2019 at 6:30 p.m.

The members of the City Council convened for a Public Hearing - Regular Meeting of the City of Bayou Vista City Council on Tuesday, March 26, 2019 at 6:30 p.m., at the Galveston County Mud # 12 Building, 2nd floor, located at 2929 Highway 6, Bayou Vista, Texas 77563 concerning the following items:

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

Mayor Pro Tem:	James L. Cook, III	Present
Position 1:	Bob Althaus	Present
Position 2:	Tami Inman	Present
Position 3:	Carlos Price	Present
Position 4:	Louis Wortham	Present

Legal Counsel was present
Mayor Konyha was absent with notice

1. Call Meeting to Order

Mayor Pro Tem Cook called the meeting to order at 6:30 p.m.

2. Roll Call

Roll call was taken as reflected above.

3. First Order of Business

A. Announcement by Mayor Pro Tem Cook 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

The Pledge was led by Mayor Pro Tem Cook

5. Public Hearing opened at 6:39 p.m.

6. Public Hearing regarding the property at 533/534 Pompano, Bayou Vista, Texas in accordance with Ordinance 93-07; which adopted Chapter 214, Subchapter A of the Texas Local Government Code; to allow the City to declare the property at 533/534 Pompano "Substandard" and take corrective action to make the necessary repairs to bring the residence up to the standards of the Code of Ordinance 93-07 or demolish the structure.

Resident explained the temporary repairs she had completed and her plans to make additional permanent repairs to bring the structure up to code.

Building Inspector stated the specific regulations that would be required to obtain permits from the city and suggested the resident obtain an engineer's study before moving forward with any further work to ensure the house was structurally sound due to the serious degree of deterioration in the siding.

Council Members expressed concern due to the amount of time the structure has been in disrepair and the fact the resident had not responded to the many letters and notices that had been sent via USPS and Certified Mail.

Council Members with the advice of City Attorney, Dick Gregg, proposed the resident provide quotes on the scope of work to be completed, an Engineer's Study, and provide frequent updates to the City Building Inspector over the next 30 days. In addition, the resident would be required to pay the delinquent mowing, trash & debris removal and tree trimming liens which are attached to the property by the City.

7. Public Hearing adjourned at 7:21 p.m.

8. Public Hearing Action:

Alderman Inman made a motion to allow the resident until the next council meeting on April 30, 2019 to comply by providing the Council with the Engineer's Study, scope of work, plans with quotes, and frequent contact with the Building Inspector to provide him with updates and full satisfaction of the outstanding liens against the property.

Alderman Price seconded the motion.

The motion was carried with all in favor.

9. Executive Session

Alderman Inman made a motion to move the Executive Session to the end of the Council Meeting - before number **15.Comments**.

Alderman Price seconded the motion.

The motion carried with 4 in favor and 1 abstaining.

Alderman Althaus was in favor.

Alderman Inman was in favor.

Alderman Price was in favor.

Mayor Pro Tem Cook was in favor.

Alderman Wortham abstained from the vote.

10. Citizens Comments on Agenda Items Only

A citizen expressed his opinion that nobody could tell anyone what they can do with their house.

11. Consent Agenda

A motion was made by Alderman Price to approve the minutes of the Regular Meeting on February 26, 2019 and the Special Called Meeting on March 7, 2019 with corrections.

The motion was seconded by Alderman Inman.

The motion carried with all in favor.

12. Special Reports and Presentations

A. City Departmental Reports

- **Police Department activity report for the month of February 2019.**
- **Municipal Court activity report for the month of February 2019.**
- **Building Permit activity report for February 17th thru March 16th, 2019.**
- **Code Enforcement activity report for February 2019.**

B. Financial Statement ending January 31, 2019 as prepared by Whitley Penn.

C. Special Reports by Aldermen

Alderman Inman provided an update on the Texas Parks and Wildlife Grant, as the City was 2 points short of the award. She plans to meet with Aaron Friar and Dan Reece to receive information on how to improve our submission for future grant opportunities

13. ACTION ITEMS

A. **Consider and take possible action to approve a contract from Enterprise Commercial Paving or Whatley's Asphalt Paving or Fox Paving to pave the parking lot located between Pompano and Warsaw.**

Alderman Wortham advised the vendors were agreeable with asphalt.

Alderman Inman was concerned with the cost to pave the parking lot as the City has been concentrating on improving the roads.

A motion was made by Alderman Althaus to table the agenda item by not awarding a contract to pave the parking lot at this time.

The motion to table the agenda item was seconded by Alderman Price.

The Motion carried with all in favor.

- B. Consider and take possible action to approve a contract to remodel the pool house by painting the interior/exterior and replace 4 doors with ADA approved doors. Install new siding/trim and paint the community center.**

Council was concerned in regards to the scope of work, as each bid contained different work to be done. As a group they agreed “the bids made it difficult to compare apples to apples.”

A motion was made by Alderman Price to table the remodeling of the pool house and community center at this time.

Alderman Inman seconded the motion to table the agenda item.

The motion carried with all in favor.

14. DISCUSSION

- A. Discuss and update the results from the meeting with Galveston County related to the Roadway Improvements; Blue Heron Street.**

Alderman Inman advised the council that the original plan from the County did not include drainage on Blue Heron as was originally stated and it was not accurate. She further stated after meeting on March 15, 2019 with the County, they offered 2 options that did include drainage on each option. The first option is to lay asphalt on the road and the second option would be to concrete the road. Alderman Inman shared the proposal for concrete would be approximately \$102,000.00 more than the asphalt and the difference between the concrete and asphalt would cost the city approximately \$50,000.00 to \$60,000.00 additionally in the dollar to dollar match with the county for a total of approximately \$180,000. Alderman Inman felt the concrete option would be best for the city as it would last much longer than asphalt and with the match by the county, this would be a good opportunity to move forward with the concrete option. The county engineers also recommended the concrete as the best solution since Blue Heron is exposed to more detrimental conditions than any other street in Bayou Vista.

Mayor Pro Tem Cook added the \$400,000.00 plus a dollar for dollar match for anything above the initial \$400,000; however, there was a 20% contingency fee and a 15% Engineer Fee that may not total as much as anticipated in the proposal.

Alderman Price mentioned with the dollar for dollar match now might be the time to make the most of the situation.

Council discussed the possibility of enacting an ordinance that addressed restrictions on bulkheads, limiting the height that could not be exceeded in order to protect Blue Heron Street in the future as recommended by Galveston County.

Alderman Inman made a motion to put the concrete road proposal for Blue Heron as an Action Item on the April 30, 2019 Council Meeting.

Alderman Althaus seconded the motion.

The motion carried with all in favor.

B. Discuss and receive update on Community Action Visit Meeting (CAV) scheduled for April 9, 2019.

Alderman Inman reminded the building official, going forward please ensure we had elevation certificates as required. The City might be unable to provide several elevation certificates for the CAV; however, staff is continuing efforts to obtain the certificates.

C. Discuss and provide update on the results from the March 14th meeting with Connie Nicholson of Nicholson Management Solutions in regard to possible grant opportunities for the City. Aldermen will be requested to submit the grant opportunities they would like to see Ms. Nicholson seek, for example, roads, buildings, Police Department equipment and vehicles, Parks & Recreation (to include the pool) and BVVFD.

Mayor Pro Tem Cook encouraged the Aldermen to think about what the City needs, the type of grant which might provide that need, and submit to the city secretary for inclusion in our grant book.

D. Discuss Resolution 06-06 to amend to Resolution 2019-01 disbursement of net proceeds from the Summer Festival.

Mayor Pro Tem Cook advised the proposed 2019 amended Resolution was brought to Council, at his request, in order to clarify the previous 2006 resolution; which stated *“the Summer Festival funds raised by this event are used for the betterment of the City of Bayou Vista and amending the new Resolution to state “**only** 50% of the net proceeds of the Summer Festival”, as raised by the various groups and clubs, will be used by the City for the betterment of the City instead of the full amount raised.*

Mayor Pro Tem Cook called on Alderman Price to share how the golf tournament divided their proceeds. Alderman Price stated they usually gave half to the BVVFD and half to a charity, such as the Ronald McDonald House. Alderman Price added that he chose a charity in addition to the BVVFD because some of the sponsors of the golf tournament are not Bayou Vista Residents.

Alderman Price made a motion to put the proposed Resolution 2019-01 on the April 30th Council Meeting as an action item.

Alderman Inman seconded the motion.

The motion carried with all in favor.

E. Discussion of maintenance personnel resignation.

Mayor Pro Tem Cook advised Council this was originally an Executive Session item, but, in lieu of the resignation of the maintenance person, the item was removed from Executive Session, but he wanted to give the Aldermen an update.

9. EXECUTIVE SESSION

- A. The City Council for the City of Bayou Vista will convene into Executive Session for the purposes permitted as authorized by the Texas Open Meeting Act, Texas Government Code, Section 551.071:

Mayor Pro Tem called the members of City Council into Executive Session at 8:20 p.m. to deliberate 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 clearly conflicts with this Chapter of the Texas Government Code.

- B. Reconvene from Executive Session and take the appropriate action, if any.**

Council reconvened at 9:42 p.m.

No action was taken.

15. COMMENTS

- **Citizen's Comments**
No Citizen's comments
- **Aldermen Comments**
No Alderman Comments
- **Mayor Pro Tem Comments**
No Mayor Pro Tem Comments

16. ADJOURNMENT

A motion was made by Alderman Wortham, seconded by Mayor Pro Tem Cook, duly put and unanimously carried, the Council adjourned at 9:44 p.m.

Respectfully submitted,
Terri Neal – Administrative Assistant

James L. Cook III, Mayor Pro Tem

Terri Neal – City Secretary