

REGULAR MEETING & PUBLIC HEARING

Tuesday, April 30, 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, April 30, 2019 at 6:30 p.m., at the Community Center, 783 "C" Marlin, located at the corner of Neptune and Marlin, Bayou Vista, Texas 77563 concerning the following items:

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

Mayor	Daniel S. Konyha	Present
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

Dick Gregg, City Attorney was present

1. Call Meeting to Order

Mayor Konyha 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 Konyha 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 Konyha

5. Public Hearing (Continued from March 26, 2019 at 6:30 pm) regarding the property at 533/534 Pompano, Bayou Vista, Texas to determine if the property should be declared substandard or the City should take necessary corrective action to bring the property up to the Bayou Vista Code of Ordinances. The owner was specifically given additional time from the March hearing to this reset hearing date to present at the meeting an engineer's study, a scope of work and plans with quotes in addition to satisfying the liens attached to the property for mowing, trimming trees and cleaning up of trash and debris.

City Secretary, Terri Neal, advised Council the lien check was received on this date and paid in full. Resident, Veronica Salinas, stated to council she had in her possession an engineer's study and a scope of work that indicated repairs were to begin on May 18th.

Mayor Konyha made the recommendation to the Council to accept this documentation as a temporary satisfaction of the requirement with a caveat. If the permits are not issued and the work on the structure does not begin on May 18th, this item will be brought again to council on the next meeting on May 28th, no further extensions will be granted at that time. The City will move to declare the structure substandard.

Motion to postpone the Public Hearing until the last Tuesday of May Regular Meeting was made by Alderman Inman.

The motion was seconded by Alderman Price.

The motion passed with all in favor.

Public Hearing adjourned at 6:47 p.m.

6. Citizens Comments on Agenda Items Only

Several Fishing Club members expressed concerns regarding the Summer Festival Fishing Club funds. Some Club members stated they do understand the original Resolution and the proposed Resolution that has the condition the money that was raised was to be used for the betterment of the City, however, they want to have a say in how and where the funds are spent.

7. Consent Agenda

A motion was made by Mayor Pro Tem Cook to approve the minutes of the Regular Meeting on March 26, 2019 with a correction to page 4, number A, to change the punctuation of a "period" to a "comma" in the dollar amount of \$50,000.00.

The motion was seconded by Alderman Inman.

The motion passed with all in favor.

8. Special Reports and Presentations

A. City Departmental Reports

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

****February 2019 Financial Statement as prepared by Whitley Penn was handed out to Council at Meeting as a result of not receiving the Statement by the time the Agenda was printed.**

Alderman Inman commented she was happy to see the Building Inspector activity report for the first time this month. She thanked Russell Buhler, Building Inspector for the report.

Alderman Wortham questioned the short-term rentals listed on the Code Enforcement activity report and the Chief advised the top numbers are the ones they have done this month and the bottom numbers are year to date. The Chief confirmed there are 3 short-term rentals pending a court date.

Alderman Inman questioned Page 10, the insurance line item on the Financial Statement; Alderman Inman stated the fact \$11,000 was still over budget on last month's financial statement which was \$24,222.00 which meant there was \$12,793.00 difference which allowed the line item to be \$11,429.00 over budget.

B. Discuss and accept the 17/18 FY Audit Report as prepared by Stephen L. Jenkins, CPA

Mayor Konyha referred Council to page 2, third paragraph of the audit, which read as written by the auditor; "*In our opinion, the general purpose financial statements referred to above present fairly, in material respects, the financial position of The City of Bayou Vista, Texas, as of September 30, 2018, and the results of its operations for the year then ended in conformity with accounting principles generally accepted in the United States of America.*" Mayor Konyha advised the importance of this paragraph, which meant the City had no problems with the audit.

Alderman Inman made a comment regarding the property the City purchased and to the fact it is stated in the audit it will be paid in full in 2022.

C. Special Reports by Aldermen – if any.

No special reports by Alderman.

9. ACTION ITEMS

A. Consider and take possible action to approve Resolution 2019-01 confirming 50% of the net proceeds from the Summer Festival funds; raised by each group from this community event, will be used for the betterment of the City. (Requested for placement on this agenda by Mayor Pro Tem Cook & by unanimous vote of council on 3.26.19)

Mayor shared with the attendees at the council meeting, the City is simply requesting each Club to let the City know how they want to use each of their funds. He further stated the Fishing Club has paid for the lifeguard supplies in the past and he would like that to continue to be able to have those expenses paid and not have to go to the Fishing Club each time and wait for their next meeting(s) for a decision to be made.

Alderman Inman shared with the Fishing Club members in attendance she believed there were some misconceptions. She felt every project the Fishing Club was working on and the projects that had been completed were very beneficial to the betterment of the City. Alderman Inman does not believe we need to have the 50% in the Resolution and it might be better in the future to have a semi-annual meeting with the Summer Festival Clubs to discuss the projects.

Mayor Pro-Tem Cook agreed with Alderman Inman that the spirit of the Resolution was to donate some of the proceeds to the betterment of the City.

Alderman Price spoke about how the Golf Tournament states where the money raised will be spent on- directly on the sponsorship and player forms. He talked about the benefits of using the City to be tax exempt. Alderman Price also recalled a time when a meeting of the all clubs was organized and the fishing club failed to participate in the meeting.

Alderman Inman made a motion to table approving Resolution 2019-01 in order to rewrite the Resolution to include conducting a bi-annual meeting with all the Clubs to decide on projects that would be for the betterment of the City.

Mayor Pro Tem Cook seconded the motion.

The motion passed with all in favor.

B. Consider and take possible action to approve Resolution 2019-02 from the County of Galveston approving and authorizing the aerial spraying for mosquitoes. (Requested for placement on this agenda by Mayor Konyha)

Alderman Inman made a motion to extend the agreement for aerial spraying for mosquitoes.

Alderman Price seconded the motion to extend the agreement for aerial spraying for mosquitoes.

The motion passed with all in favor.

C. Consider and take possible action to approve the Galveston County Bond Program "Construction Cost Estimate(s)" to either choose the complete replacement of Blue Heron Street with asphalt pavement and drainage or the complete replacement of Blue Heron Street with concrete pavement and drainage and approve the "Interlocal Agreement to Partially Fund Improvements to City Streets within the City Limits of Bayou Vista, Texas". (Requested for placement on this agenda by Mayor Pro Tem Cook and Alderman Inman & by unanimous vote of council on 3.26.19)

Alderman Inman shared with the Council that no decision on what type of pavement needed to be decided on tonight. The only action that needed to be taken at this time was to enter into the Interlocal Agreement with the County. She said it could take up to 6 months for the County to provide the estimates.

Mayor Pro Tem Cook made a motion to go forward with the Galveston County Interlocal agreement for Blue Heron with a correction made as noted by Mr. Gregg to correct "Home Rule City" to "Type A General Law City".

The motion was seconded by Alderman Inman.

The motion passed with all in favor.

- D. Consider and take possible action to approve a date; Wednesday, May 8th , Thursday, May 9th, or Friday May 10th for the Special Called Meeting to Cavass the Ballots from the May 4th, 2019 General Election. (Requested for placement on this agenda by Mayor Konyha)**

Alderman Inman made a motion to hold the Special Called Meeting to Canvass the Ballots from the May 4th, General Election on Thursday, May 9, 2019 at 6:30 pm.

The motion was seconded by Alderman Althaus.

The motion was carried with all in favor.

- E. Consider and take possible action to approve The Moody Foundation Grant Contract: Terms and Provisions. Grant Number 2019-32 in the amount of \$55000.00 to purchase a new police vehicle.**

Mayor Pro Tem made the comment that our police vehicles are in poor shape and are requiring costly repairs.

Chief Gillane advised the vehicle will be turn-key by the time PD receives the unit.

10. DISCUSSION

- A. Discuss discrepancies in police overtime and police holiday pay as referenced in Policy and Procedures 6.01 and 6.03. (Requested for placement on this agenda by Mayor Pro Tem Cook and Alderman Inman)**

Alderman Inman advised there has been money that has been overpaid to the police department is approximately \$10,000.00.

Mayor Konyha advised part of the money was an accounting error on his part and he apologized for not allowing for a line item in the FY18/19 budget for police overtime and holiday pay.

- B. Discuss the proposed update of the *Personnel Policies and Procedures, Chapter 6. Calculation of Hours Worked*. (Requested for placement on this agenda by Mayor Konyha)**

Mayor Konyha presented a proposed change to the Personnel Policies and Procedures differentiating the police computation of holiday hours as opposed to office staff. Chief Gillane is working on this project too.

- C. Discuss and receive an update regarding the Community Action Visit meeting held on April 9, 2019. (Requested for placement on this agenda by Mayor Konyha)**

Mayor Konyha stated we answered all the questions in the CAV initial request. They are asking for additional information for 15 more properties. At this point we are waiting for the letter from the Texas Water Development Board specifying exactly what will be required.

- D. Discuss and receive an update from the Aldermen regarding the types and priorities of grant opportunities they would like Nicholson Management Solutions to seek out and possibly prepare a submission for, on behalf of the City. (Requested for placement on this agenda by Mayor Pro Tem Cook and Alderman Inman & by unanimous vote of council on 3.26.19)**

The Alderman listed the following priorities such as infrastructure, police, fire and parks and recreation.

Mayor Pro Tem wants to be specific with the grant writer as to what to look for in the way of grant opportunities.

Alderman Inman wants the City to go after some of the smaller grants for street signs etc. from HEB, Walmart etc. on our own without involving the grant-writer.

- E. Discuss and receive a request to amend Chapter 3- Building and Construction, Section 3.06.04.- Set-Back Build Lines (page 25). (Requested for placement on this agenda by citizen petition)**

Citizens signed petition to amend Chapter 3, Building & Construction to preserve the quality of life on the canals.

The citizens object to the homes being built that maximize the total amount of a structure that can be built on the lot as it changes the whole community and also are concerned about safety due to a previous house fire that could have been overlooked if not seen by people in other homes.

Mayor Konyha directed building official, Russell Buhler, to come up with a proposed amended ordinance that would prohibit potential homeowner from building over the bulkheads and address the homeowners concerns regarding the setbacks.

11. COMMENTS

- Citizen's Comments

Citizen very concerned about the sirens not working, she also wants to have a safe zone for people buying and selling things online.

Resident congratulated Chief on the \$55,000.00 grant and then commented on drainage and the water circulation in the canals. He further commented that an audit should be done on the police department overtime, holiday pay and vacation to account for the money shortfall.

- Aldermen Comments

Alderman Wortham thanked the Garden Club for their hard work on their projects.

- Mayor's Comments

Mayor thanked Russell Buhler for making the appointment to have the siren repaired and thanked everyone for coming to the meeting.

12. ADJOURNMENT

Alderman Wortham made a motion to adjourn.

The motion was seconded by Alderman Price.

The motion passed with all in favor.

The meeting adjourned at 9:02 pm.

Respectfully submitted,
Terri Neal – Administrative Assistant

Daniel S. Konyha, Mayor

Terri Neal – City Secretary