

CITY OF BAYOU VISTA
*****AGENDA*****
Regular Meeting - Public Hearing - July 30, 2019 – 6:30 PM
TUESDAY, JULY 30, 2019

The members of City Council convened for a Regular Meeting - Public Hearing of the City of Bayou Vista City Council on Tuesday, July 30, 2019, 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:	Paul Hershey	Present
Position 4:	Joshua Christie	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 6:30 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. Public Hearing (Continued from April 30, 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 Public Hearing opened at 6:39 p.m.

Alderman Inman made a motion to accept the recommendation by Mayor Konyha to declare the structure substandard and, if the residential structure is not repaired or demolished within a 30-day time frame, the City will authorize a lawsuit to repair or demolish the structure and file the appropriate liens against the property.

The motion was seconded by Mayor Pro Tem Cook.

The Motion passed with all in favor.

The Public Hearing closed at 7:13 p.m.

6. Citizens Comments on Agenda Items Only

Citizen commented on Agenda Item I to request Council take action to clean up the trash & debris from 1099 Redfish. She also presented a petition from neighbors to ask Council to deny the variance at 1098 Redfish for a storage building.

7. 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:

- **The Regular Meeting held on June 25, 2019 (*As called to order by Mayor Konyha*)**
- **The Special Called Meeting held on July 2, 2019 (*As called to order by Mayor Konyha*)**

A motion was made by Mayor Pro Tem Cook to approve the minutes of the June 25, 2019 Regular Meeting and the July 2, 2019 Special Called Meeting as presented.

The motion was seconded by Alderman Christie.

The motion passed with all in favor.

8. SPECIAL REPORTS AND PRESENTATIONS:

A. City Departmental Reports

- **Police Department activity report for the month of June 2019.**
- **Municipal Court activity report for the month of June 2019.**
- **Building Permit activity report for May17th thru July16th, 2019.**
- **Code Enforcement activity report for June 2019.**
- **Building Inspector activity report for June 2019**

Alderman Inman asked Russell Buhler, Building Official, why some of the status of the code enforcement cases still showed open. Mr. Buhler advised he would check on the addresses.

Mayor Pro Tem Cook asked Chief Gillane if all the items that could be salvaged have been removed from Unit 1 and if his plan was to scrap the vehicle.

The Chief advised he had not had an opportunity to speak with Mayor Konyha regarding the Unit 1 vehicle repair status.

The Mayor said the options were to put Unit 1 out in the front of City Hall for an offer to be made and if none were submitted, they would scrap the vehicle.

B. Review and discuss the Financial Statements for the period ending June 30, 2019, prepared by Whitley Penn.

Alderman Inman questioned page 10, Line Item: Street Lights of the Financial Statements as the statement reveal we are over budget by \$6700.00. She asked the City Secretary if this could be a coding error. The Mayor advised we would check the electric bills.

Alderman Inman asked what the Insurance line item covered. She noted it also is over budget. Mayor Konyha stated the TML Insurance went up after the budget was completed last year. He said the insurance covers Windstorm, Flood and basic insurance such as Workman's Compensation and vehicles.

C. Special Reports by Aldermen – if any.

Alderman Inman gave an update on the Scoping Meeting with the County about Blue Heron. She advised the bid would be in 2 phases at the Mayors request. She said the road work would not begin for about 1 year due to the environmental factor.

Alderman Inman updated council concerning the TPWD park grant application progress. She also shared that the City had learned through our grant writer; the pool might be eligible for another grant to make some needed repairs.

Mayor Pro Tem Cook shared with Council that the Poker Run raised approximately \$5500.00, in which \$3800.00 would benefit the pool. He said the participants were talking about purchasing new pool lounge chairs, building a 2nd lifeguard stand, installing a speaker sound bar for music and spending a couple hundred dollars on equipment for the water aerobics class.

9. ACTION ITEMS

A. Consider and take possible action to approve the Resolution 2019-06R-BA as recommended by Mayor Konyha to amend the 2018-2019 Fiscal Year Budget as follows:

<u>REVENUE</u>		<u>AMENDMENT</u>
403	Building Permits	+ 5,000.00
405	City Other Revenue	+12,500.00
406	Interest	+ 1,800.00
407	Court Fees	- 5,000.00
410	Court Adm. Fees	- 2,000.00
451	Police Rev. Other	+55,500.00

EXPENDITURE

603	Building Inspector	+ 5,700.00
703	Patrol Officers (5)	+12,000.00
703.4	Part Time P.O.	+15,400.00
719	New Car	+55,500.00
905	Center Maintenance	+ 1,500.00
1003	Street Lights	+10,000.00
1005	Capital Improvement	- 9,000.00
1006.1	City Prop. Bulkhead	- 35,000.00
1007	Contingency	+ 8,700.00
1008	Insurance	+ 3,000.00

AMENDED BUDGET REVENUE	\$1,137,457.00
BUDGET EXPENDITURES	\$1,137,457.00

Alderman Inman made a motion to table Resolution 2019-06R-BA until the expenditures for Street Lights and Police Department overtime pay could be re-evaluated.

Alderman Hershey seconded the motion.

The motion passed with all in favor.

B. Consider and take possible action to approve the dates for the Special Called Budget Workshop Meetings and Public Hearings to be held within the month of August and September as recommended by Mayor Konyha.

- 1. Tuesday, August 13, 2019 – Special Called/Budget Workshop**
- 2. Tuesday, August 20, 2019 – Special Called/Public Hearing/Budget Workshop/Regular Meeting**
- 3. Tuesday, September 3, 2019 – Special Called/Public Hearing/Budget Workshop**
- 4. Tuesday, September 17, 2019 – Public Hearing/Special Called/Regular Meeting/Approval of Tax Rate and 2019-2020 Budget**

Mayor Pro Tem Cook made a motion to approve the dates & times for each of the meetings as proposed by Mayor Konyha.

Alderman Hershey seconded the motion.

The motion passed with all in favor.

C. Consider and take possible action to approve the recommendation by Alderman Christie to appoint a Chairman, Co-Chairman and Committee Members for the “Citizen’s Committee dedicated to the study and survey of our canal systems and water quality, tidal flow and environmental impact.” (Requested for placement on agenda by Alderman Christie with approval of Mayor Konyha)

Alderman Hershey made a motion to approve the Citizens Committee Members as recommended by Alderman Christie.

Mayor Pro Tem Cook seconded the motion.

The motion carried with all in favor.

D. Consider and take possible action to approve the Bayou Vista Police Department Pay Policy. (Requested for placement on this agenda by Mayor Konyha)

Mayor Pro Tem Cook made a motion to approve the Police Department Pay Policy after removing the period between “overtime” and “or” under 6.03- to make it a complete sentence.

Alderman Althaus seconded the motion.

The motion carried with all in favor.

E. Consider and take possible action to approve an Employee Assistance Program (EAP) through Texas Municipal League with Deer Oaks Behavioral Organization and to sign a letter of intent. (Requested for placement on this agenda by Mayor Konyha)

Alderman Hershey made a motion to approve the Employee Assistance Program with Deer Oaks Behavioral Organization.

Alderman Inman seconded the motion.

The motion carried with all in favor.

F. Consider and take possible action to approve a variance, as requested by Chris and Gaye Powell at 1098 Redfish. Mr. and Mrs. Powell are requesting to install a shed on the south side of the home, adjacent to the breezeway, which has an existing concrete pad. (Agenda item approved by Mayor Konyha)

Alderman Inman made a motion to deny the variance for the shed.

Alderman Hershey seconded the motion.

The motion carried with all in favor.

G. Consider and take possible action to approve a variance for a lift at 312 Ling, as requested by Mrs. Lucas. (Agenda item approved by Mayor Konyha)

Alderman Hershey made a motion to approve the variance for the lift.

Mayor Pro Tem Cook seconded the motion.

The motion carried with all in favor.

H. Consider and take possible action to approve a variance for a golf cart port at 938 Bonita as requested by owner, Wayman Jen. (Agenda item approved by Mayor Konyha)

Alderman Hershey made a motion to approve a variance for the golf cart port.

Alderman Christie seconded the motion.

The motion carried 4 -1 in favor, with Alderman Inman voting against the variance as it states in the City Ordinance a hardship must exist for Council to approve a variance.

I. Consider and take possible action to have construction trash & debris removed from 1099 Redfish and to place a lien with Galveston County Clerk's Office on the property for the cost of removal. (Agenda item approved by Mayor Konyha)

Mayor Pro Tem Cook made a motion to delay action until Monday, August 5th, to allow the clean-up of the debris to continue. If not completed by Monday, then proceed with removal by the City and place a lien on the property.

Alderman Hershey seconded the motion.

The motion carried with all in favor.

10. DISCUSSION

A. Receive an update on the City of Bayou Vista Policy and Procedures Charter as presented by Alderman Advisor, Ms. Inman.

Alderman Inman informed Council the first meeting went well. The committee will meet once a month on Thursdays, prior to Council Meeting. This schedule will allow Council action and possible approval for matters of the committee.

B. Receive an update on the City of Bayou Vista Ordinances Charter as presented by Alderman Advisor, Mayor Pro Tem Cook.

Mayor Pro Tem Cook explained the ordinance committee members discussed at their first meeting "why they wanted to serve". He said the committee would meet each Monday on the week before Council Meetings. The goal is to bring the chapters to Council and have one for an action item and one for a discussion item each time.

11. COMMENTS

- **Citizen's Comments**

A citizen spoke out against a next-door neighbor regarding a fence and a neighbor across the canal with green lights he feels are a nuisance.

12. EXECUTIVE SESSION

Executive Session: The City Council will now hold a closed executive meeting pursuant to the provision of Chapter 551, Texas Government Code, Vernon's Texas Codes Annotated, in accordance with the authority contained in:

A. Section 551.071(2): A governmental body may conduct a private consultation with its attorney: (2) 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 (regarding complaints against certain City personnel).

B. Section 551.074(1) A governmental body may conduct a closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, to wit: city secretary and court clerk.

Council convened into Executive Session at 8:23 p.m.

C. Reconvene from Executive Session and take the appropriate action, if any.

Council reconvened from Executive Session at 9:06 p.m. and Alderman Inman made a motion for direction on how to proceed with the appropriate action.

Alderman Christie seconded the motion.

The motion carried with all in favor.

13. COMMENTS

- **Aldermen Comments**

None

- **Mayor's Comments**

None

14. ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Respectfully submitted,
Terri Neal – Administrative Assistant

Mayor Daniel S. Konyha
