

**PUBLIC HEARING
SPECIAL CALLED MEETING (REGULAR MEETING)**

SEPTEMBER 24, 2019

The members of City Council convened for a Public Hearing - Special Called Meeting (Regular Meeting) of the City of Bayou Vista City Council on Tuesday, September 24, 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 regarding the Proposed Budget for Fiscal Year 2019-2020

The Public Hearing opened at 6:33 p.m.

Public Hearing Comments - NONE

The Public Hearing closed at 6:34 p.m.

6. Citizen's Comments on Agenda Items Only

Citizen stated she wanted to comment on the pool situation. She said James (Mayor Pro Tem Cook) struggled this summer with keeping the pool open due to lifeguard difficulties and she has nothing against the water aerobics, however, it is not fair for them to use the pool without lifeguards and other residents have to swim with lifeguards present.

Another resident commented she agreed with the first citizen's comments and stated if the water aerobics class can sign a waiver, everyone should be able to sign a waiver.

A citizen commented the pool should be given back to the homeowners or close the pool.

Citizen shared they spent \$75-\$80 on a pool pass and got to use the pool 3 times which was not fair as the water aerobics used the pool daily.

Citizen said water aerobics are like the ordinances...it was pick and choose. She paid for a pool pass for the kids to swim and they were able to use the pool twice. Citizen encouraged Council to try new things as the City Staff does not know how to run the pool and are relying on teens.

Citizen commented the pool management service on the agenda looks like an excellent idea- a good solution. She commented further on Action Item #L; 533/534 Pompano litigation and stated it was time to take the next step.

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:

- **Special Called Regular Meeting – Public Hearing – Budget Workshop August 20, 2019.**
- **Special Called Meeting – Public Hearing – Budget Workshop – September 3, 2019.**

A motion was made by Alderman Inman to approve the Minutes of August 20, 2019 and September 3, 2019 as presented.

The motion was seconded by Alderman Hershey.

The motion carried with all in favor.

8. SPECIAL REPORTS AND PRESENTATIONS

A. City Departmental Reports

- **Police Department activity report for the month of August 2019.**
- **Municipal Court activity report for the month of August 2019.**
- **Building Permit activity report for the month of August 16th thru Sept 15th, 2019.**
- **Building Inspector activity report for the month of August 2019.**

B. Discuss and review the Financial Statement ending July 2019 and August 2019, prepared by Whitley-Penn if available.

Council reviewed the Financial Statement as presented by Whitley-Penn.

Mayor Konyha advised Council the City would be 75K in the black at the end of the year.

Alderman Inman had questions about the City Secretary's Health Credit account and the Court Clerk overtime account. The City Secretary advised Ms. Inman she would research both accounts and provide a response to Ms. Inman tomorrow.

C. Alderman Reports – If any.

Alderman Inman shared with the Council she attended the Houston/Galveston Mayor & Council dinner and Linebarger, Goggan, Blair and Sampson were in attendance. The City of Dickinson inquired if Bayou Vista would consider using their new animal health and safety services- it would be a savings for the City. She also learned the dinners would be revised in the upcoming year and would not require liquor. It would make hosting the functions more affordable for the smaller cities.

Alderman Inman advised the citizens that Texas Parks & Wildlife would probably not release the pool back to the City but it didn't matter as the pool was still public. The only way it would not be public; would be if TPWD released it to an HOA.

Mayor Pro Tem Cook advised while working on the Fire Safety Ordinance; a big gap was found regarding the Fire Marshall for the City. He stated he and the Chief are working on a plan.

9. ACTION ITEMS

A. Consider and take possible action to ratify the property tax increase reflected in the 2019-2020 Fiscal Year Budget.

A motion was made by Mayor Pro Tem Cook to ratify the property tax increase reflected in the 2019-2020 Fiscal Year Budget as presented.

The motion was seconded by Alderman Hershey

Roll call vote was taken as reflected below:

Alderman Althaus	-	For
Alderman Inman	-	For
Alderman Hershey	-	For
Alderman Christie	-	For
Mayor Pro Tem Cook	-	For

The motion carried with all in favor.

B. Consider and take possible action to approve the 2019-2020 Fiscal Year Budget.

A motion was made by Mayor Pro Tem Cook to approve the 2019-2020 Fiscal Year Budget as presented.

The motion was seconded by Alderman Inman.

Roll call vote was taken as reflected below:

Alderman Althaus	-	For
Alderman Inman	-	For
Alderman Hershey	-	For
Alderman Christie	-	For
Mayor Pro Tem Cook	-	For

The motion carried with all in favor.

C. Consider and take possible action to adopt the tax rate of \$ 0.385000 per \$100 for the year 2019.

A motion was made by Alderman Inman to adopt the tax rate of \$0.385000 per \$100 for the year 2019.

The motion was seconded by Alderman Althaus.

Roll call vote was taken as reflected below:

Alderman Althaus	-	For
Alderman Inman	-	For
Alderman Hershey	-	For
Alderman Christie	-	For
Mayor Pro Tem Cook	-	For

The motion carried with all in favor.

D. Consider and take possible action to adopt the maintenance and operation rate of \$0.376 per \$100 for the year 2019.

A motion was made by Mayor Pro Tem Cook to adopt the maintenance and operation tax rate of \$0.376 per \$100 for the year 2019.

The motion was seconded by Alderman Hershey.

Roll call vote was taken as reflected below:

Alderman Althaus	-	For
Alderman Inman	-	For
Alderman Hershey	-	For
Alderman Christie	-	For
Mayor Pro Tem Cook	-	For

The motion carried with all in favor.

E. Consider and take possible action to adopt the debt service rate of \$0.09 per \$100 for the year 2019.

A motion was made by Alderman Hershey to adopt the debt service tax rate of \$0.009 per \$100 for the year 2019.

The motion was seconded by Mayor Pro Tem Cook.

Roll call vote was taken as reflected below:

Alderman Althaus	-	For
Alderman Inman	-	For
Alderman Hershey	-	For
Alderman Christie	-	For
Mayor Pro Tem Cook	-	For

The motion carried with all in favor.

F. Consider and take possible action to approve Ordinance 2019-05 providing for the assessment, levy, and collection of Ad Valorem taxes for the City of Bayou Vista, Texas for the Year 2018, and for each year thereafter until otherwise provided; establishing the date when Ad Valorem Taxes become delinquent; providing for certain exemptions; providing for the rate of assessment;

(F.cont'd) providing for penalty and interest for delinquent taxes; and repealing all ordinances and parts of ordinances in conflict herewith; and providing for a saving clause.

Alderman Inman made a motion that the property tax rate be increased by the adoption of the tax rate of \$0.3850 per \$100, which is effectively a 7.47% increase in the tax rate.

The motion was seconded by Alderman Hershey

Roll call vote was taken as reflected below:

Alderman Althaus	-	For
Alderman Inman	-	For
Alderman Christie	-	For
Alderman Hershey	-	For
Mayor Pro Tem Cook	-	For

The Motion carried with all in favor.

G. Consider and take possible action to approve a third-party vendor for police department and city hall IT support services.

A motion was made by Alderman Hershey to table Action Item G for more information.

The motion was seconded by Mayor Pro Tem Cook.

The motion carried with all in favor.

H. Consider and take possible action to approve a variance requested by Xan Wood at 694 Warsaw for a 2-car detached garage with a storage loft.

A motion was made by Alderman Inman to deny the variance as the structure does not conform to the City Ordinance "Single Family Dwelling" with a stipulation the resident could modify the plans and bring it back to council.

The motion was seconded by Mayor Pro Tem Cook.

The motion carried with all in favor.

I. Consider and take possible action to award a bid to replace the City bulkhead.

Alderman Hershey recused himself from the discussion and action due to a conflict of interest.

A motion was made by Mayor Pro Tem Cook to accept the bid from Conch Shell Construction of \$33,500.00 for their bid on the upgraded bulkhead.

The motion was seconded by Alderman Inman.

The motion carried with all in favor with Alderman Hershey abstaining.

J. Consider and take possible action to award a contract to a pool management company for the 2019/2020 fiscal year lifeguard services.

A motion to table for more detailed information was made by Mayor Pro Tem Cook.

Alderman Christie seconded the motion.

The motion carried with all in favor.

K. Executive Session

Alderman Inman made a motion to move Executive Session & Action Items K & L to follow Agenda Item 10- Discussion #'s A, B, C & D.

Mayor Pro Tem Cook seconded the motion.

The motion carried with all in favor.

10. Discussion

A. Discuss the Bayou Vista Ordinance Committee proposed changes.

Mayor Pro Tem Cook and Barbie Miller spoke regarding the Ordinance Committee's progress with proposed changes to Chapter 7-Residential Lot Restrictions and Development Standards; Section 07.09.02. regarding the significance of vehicular and foot traffic as a result of conducting some types of business in a home office. The committee recommends residents conducting business in their homes apply for a permit which would be paid to Bayou Vista and approved by the Council.

Section 04.01.06- Temporary Vending Permits- Special Events- the committee recommends a special event permit should be obtained 7 days prior to the event for \$25.00 and ending the day the event ends.

B. Discuss the Bayou Vista Policies and Procedures Committee proposed changes.

Alderman Inman advised Council the policy and procedures should be action items in the future; to discuss and possibly approve at each meeting instead of discussion.

Stephanie Burt provided a recap of the proposed changes to condense verbiage and have less redundancy in Chapter 1- General Provisions and Chapter 2- Organization and Personnel.

C. Discuss and receive an update from the Bayou Vista Water Quality Committee.

Alderman Christie advised he did not request this discussion item, however, he advised Council the committee will reconvene next Monday.

D. Discuss and review a proposal for electricity from ADK Solutions.

Council agreed the City was under contract with Engie and would be for much of the next year.

K. EXECUTIVE SESSION

A. Executive session: under Texas Government Code Section 551.071 to consult with the City Attorney;

(A) pending or contemplated litigation.

(B) discuss options pertaining to Municipal Court Prosecutor.

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

Council convened into Executive Session and 8:20 pm and reconvened at 8:56 pm.

(A) Alderman Inman made a motion to give permission to legal counsel to take the appropriate action.

Alderman Hershey seconded the motion.

The motion passed with all in favor.

(B) Alderman Inman made a motion to repeal the current Ordinance (CH 8 Personnel & Administration, Sec. 08.01.10, City Prosecutor) and replace with Ordinance 2019-06 allowing the City Attorney to serve as Municipal Court Prosecutor.

Alderman Christie seconded the motion.

The motion passed with all in favor.

L. Consider and take possible action to authorize the City Attorney to file suit in the District Court for the dilapidated structure located at 533/534 Pompano, Bayou Vista, TX.

Mayor stated the council took care of this item in Executive Session.

10. COMMENTS

• **Citizen's Comments**

A citizen thanked the Council.

• **Aldermen Comments**

Mayor Pro Tem Cook mentioned the budget process went well.

• **Mayor's Comments**

The Mayor expressed his thanks to Chief Gillane for making the deal to purchase "2 good looking vehicles" for \$1.00 each that the City will be able to use for some time.

11. ADJOURNMENT

A motion was made to adjourn by Mayor Pro Tem Cook.

The motion was seconded by Alderman Christie.

The motion carried with all in favor and the council meeting adjourned at 9:04 pm.

Respectfully submitted,
Terri Neal – Administrative Assistant

Daniel S. Konyha, Mayor

Terri Neal – City Secretary