

**CITY OF BAYOU VISTA**  
**\*\*\*AGENDA\*\*\***  
**REGULAR MEETING**  
**October 29, 2019 – 6:30 PM**

The members of City Council convened for a Regular Meeting of the City of Bayou Vista City Council on Tuesday, October 29, 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 S. Konyha	Present
Position 1:	Bob Althaus	Present
Position 2:	Tami Inman	Present
Position 3:	Paul Hershey	Absent with Notice
Position 4:	Joshua Christie	Present
Position 5:	James L. Cook, III	Present

Legal Counsel was present

1. **Call Meeting to Order**
2. **Roll Call**
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**
5. **Citizen's Comments on Agenda Items Only**

Citizens had the following remarks regarding agenda items:

- Action Item 9 C – citizen is against the garage apartment variance request.
- Action Item 9 D – citizen remarked the City should approve a contract for the pool, it is not a good idea for the Police Department to manage the pool.
- Action Item 9 J – resident requested the council give some insight for him to better understand the H-GAC Aerial Image Cost Sharing Program. He also has concerns about the Bayou Vista Ordinance Committee's proposed changes to limit home businesses and requested the Committee be clear and spell it out.
- Action Item 9 K – several citizens in attendance at the meeting stated they are in favor of limiting the Police Department from using City police vehicles for off duty jobs and one commented he did not believe the City should be subsidizing off duty jobs for the police.
- Discussion Item 10 A – City should purchase the new playground equipment for approximately \$20,000 as it is not worth the match to put up the City property - "not a good return for our value."
- Discussion Item 10 D - Citizen would appreciate the City assisting to purchase the testing equipment with the Water Quality Committee.

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:**

- **Public Hearing - Special Called Meeting (Regular Meeting) held on September 24, 2019**

Alderman Inman noted there was incorrect information in the minutes on Action Item(s) 9 "D" and 9 "F", she made a motion to approve the September 24, 2019 minutes after the corrections had been completed and authenticated.

The motion was seconded by Mayor Pro Tem Cook.

The motion carried with all in favor.

7. **SPECIAL REPORTS AND PRESENTATIONS**

**A. City Departmental Reports**

- **Police Department activity report for the months of September 2019**
- **Municipal Court activity report for the month of September 2019**
- **Building Permit activity report for September 16<sup>th</sup> thru October 15<sup>th</sup>, 2019**
- **Code Enforcement activity report for the months of September 2019**
- **Building Inspector activity report for the month of September 2019**

**B. Discuss and accept the Financial Statement ending September 2019 as presented by Whitley Penn.**

**C. Special Reports by Aldermen, if any.**

Ms. Lydia Cook with Whitley Penn was scheduled to share some information with the Council, however, she was unable to attend the meeting due to illness.

8. **EXECUTIVE SESSION**

**A. Executive Session: The Board of Aldermen will convene into Executive Session pursuant to Texas Government Code in accordance with the Texas Open Meetings Act:**

**1. Personnel Matters to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of police officer(s); Jeremy Conn and Erika Kriger. Section 551.074**

**2. Personnel Matters to deliberate the appointment, employment, evaluation, reassignment & duties of Municipal Court Prosecutor, Section 551.074**

**3. Consultation with City Attorney regarding Contemplated/Threatened Litigation, Section 551.071**

Mayor Konyha declared Council would adjourn into Executive Session at 6:57 p.m.

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

Council reconvened into Regular Session at 7:29 p.m.

**9. ACTION ITEMS**

**A. Consider and take possible action to approve IT Support Services for City Hall and/or Police Department. *(requested by Alderman Inman)***

Alderman Inman made a motion to move forward with PC Cable for the City Hall IT support and Jeremy Conn for the Police Department IT support; requesting both Officer Conn and PC Cable's, Marc Edelman, work together on the project.

Mayor Pro Tem Cook seconded the motion.

The motion carried with all in favor.

**B. Consider and take possible action to select a Municipal Court Prosecutor. *(requested by Mayor Konyha)***

Mayor Pro Tem Cook made a motion to hire Gregg & Gregg Law Firm and appointing Dick H. Gregg, III as the Municipal Court Prosecutor.

The motion was seconded by Alderman Christie.

The motion carried with all in favor.

**C. Consider and take possible action to approve or deny a variance at 694 Warsaw for a 2-car garage with a loft. *(as stated in the September 24<sup>th</sup> council meeting)***

Alderman Inman made a motion to deny the variance until the requirements of the City are met.

Mayor Pro Tem Cook seconded the motion.

The motion was carried with all in favor.

**D. Consider and take possible action to approve a contract for lifeguard management services for the 2020 pool season. *(tabled from September meeting)***

Alderman Inman made a motion to approve the Aquatic Management Agreement with USA Pools of Texas for a 1-year term.

Alderman Christie seconded the motion.

The motion carried with all in favor.

**E. Consider and take possible action to approve the proposed changes to the City Policies and Procedures (Chapter 1, 2, 3 & 4) as presented by the Bayou Vista Policies and Procedures Committee. (requested by Alderman Inman)**

Mayor Pro-Tem Cook made a motion to approve the Chapter 1 and Chapter 2 changes as recommended by the Committee with corrections to Section 1.03 (1.) adding "the Mayor can also make recommendations for revisions to the Policy and Procedures to City Council".

Alderman Christie seconded the motion.

All were in favor of the motion except Alderman Althaus who was opposed to the motion.

Shelby Dill explained the Chapter 3 and 4 proposed changes to the Policy and Procedures. She elaborated further that Chapter 3 & 4 were condensed into Chapter 3 and Chapter 5 becomes Chapter 4. Shelby and Alderman Inman requested clarification from Mr. Gregg and his input on political contributions regarding "offers for help".

Mayor Pro Tem Cook made a motion to table this portion; (Chapter 3 & 4 of the proposed changes) until the Committee can return to Council next month allowing time for Mr. Gregg to advise on the request for input.

Alderman Christie seconded the motion.

The motion was passed with all in favor.

**F. Consider and take possible action to approve the proposed changes to the City Ordinances as presented by the Bayou Vista City Ordinance Committee. (requested by Mayor Pro Tem Cook)**

Mayor Pro Tem Cook moved to table this action item to re-address some issues.

Alderman Inman seconded the motion.

The motion passed with all in favor.

**G. Consider and take possible action to set City Council Meeting dates for November and December 2019. (requested by Mayor Konyha)**

Alderman Christie made a motion to have the November and December monthly Council Meetings combined and to be held on December 3, 2019.

Alderman Inman seconded the motion.

The motion passed with all in favor.

**H. Consider and take possible action to approve Resolution 2019-07 to support the Galveston Bay Estuary Program's "The Galveston Bay Plan, 2<sup>nd</sup> Edition, The Comprehensive Conservation and Management Plan for the Galveston Bay Ecosystem. (requested by Mayor Konyha)**

A motion was made by Mayor Pro Tem Cook to approve Resolution 2019-07.

The motion was seconded by Alderman Christie.

The motion passed with all in favor.

**I. Consider and take possible action to appoint one representative and one alternate to H-GAC's 2020 General Assembly. (requested by Mayor Konyha)**

Alderman Inman made a motion to appoint Mayor Konyha as the H-GAC 2020 Representative and Alderman Christie as the Alternate.

Mayor Pro Tem Cook seconded the motion.

The motion passed with all in favor.

**J. Consider and take possible action to participate in the Houston-Galveston Area Council (H-GAC) Aerial Imagery Cost-Share Program. (requested by Mayor Konyha)**

Mayor Pro Tem Cook made a motion to decline participation in the H-GAC Aerial Imagery Cost-Share Program.

Alderman Inman seconded the motion.

The motion passed with all in favor.

**K. Consideration and possible action regarding policy limiting an off-duty officer from using Bayou Vista patrol vehicle for off duty job. (requested by Alderman Inman and Mayor Pro Tem Cook)**

Action was taken as a directive to Chief Gillane to refrain from utilizing police vehicles for side jobs until a policy could be created and brought back to Council for approval of how the vehicles can be used.

**L. Consider and take possible action to approve or deny a variance for a cargo lift at 552 Pompano. (approved by Mayor Konyha)**

A motion was made by Mayor Pro Tem Cook to approve the variance.

The motion was seconded by Alderman Christie.

The motion passed with all in favor.

**M. Consider and take possible action to approve the Whitley Penn Services Agreement Letter dated October 21, 2019.**

Alderman Christie made a motion to table the discussion item until more information can be received from Whitley Penn.

The motion was seconded by Mayor Pro Tem Cook.

The motion passed with all in favor.

**10. Discussion**

**A. Discuss the TPWD Park Grant and possibly moving forward instead to purchase a new playset for the Bayou Vista Park. (requested by Mayor Konyha)**

Council set a cap of \$20,000.00 for Mayor Konyha to purchase a playset and decided to rewrite the TPWD Grant for the Community Pool only.

**B. Discuss Senate Bill (S.B.) No. 944; An Act relating to the public information law. (requested by Alderman Inman)**

Mr. Gregg advised Council any sent or received email or text, that is City business related, is subject to the Open Records Act. He further advised it is not the device, it is the specific information (data).

**C. Discuss Bayou Vista Ordinance Committee proposed changes. (requested by Mayor Pro Tem Cook)**

Mayor Pro Tem Cook shared the Committees proposed Ordinance changes for discussion on Chapter 7- Offenses and Nuisances.

**D. Discuss the Bayou Vista Water Quality Committee request for funding from the City to purchase test equipment and consumables required to perform the canal water quality study. (requested by Alderman Christie)**

Alderman Christie advised the Council of the testing procedures and made a request for City funds in the amount of \$1666 contingent on if the committee raises \$3333 in funds; which would be 50%, as they need \$5000. The Fishing Club has pledged \$1000.

**11. COMMENTS**

- Citizen's Comments

None

- Aldermen Comments

None

- Mayor's Comments

None

## 12. ADJOURNMENT

A motion was made by Alderman Inman to adjourn.

The motion was seconded by Mayor Pro Tem Cook.

The motion was passed with all in favor and the meeting adjourned at 9:36 pm.

Respectfully submitted,  
Terri Neal – Administrative Assistant

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Daniel S. Konyha, Mayor

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Terri Neal – City Secretary