

CITY OF BAYOU VISTA
*****AGENDA*****

Special (Regular) Meeting Pursuant to Texas Election Code, Section 67.004
To Canvass Election Results

The members of City Council convened for a Special (Regular) Meeting of the Bayou Vista City Council on Tuesday, May 26, 2020, at 6:30 p.m., at the MUD #12 Building, Reception Room, located at 2929 Hwy 6, Bayou Vista, TX concerning the following items:

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

Mayor:	Lou Wortham	Present
Position 1:	Jeff Campbell	Present
Position 2:		Vacant
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 pm.

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

The pledge was led by Mayor Konyha.

Mayor Konyha announced that Action Item 9E would have to be moved up for consideration on the agenda as the re-platt for 773/774 Marlin had his name as Mayor and he would have to sign the document before leaving office.

A motion was made by Alderman Christie to approve the variance for 773/774 Marlin as presented.

The motion was seconded by Alderman Hershey.

The motion carried with all in favor.

5. **Present the Certificate of Election and Administer the Oath of Office to Louis Johnston Wortham – Mayor, Jeffrey Lynn Campbell - Alderman Position 1, and James L. Cook, III – Alderman Position 5, declared as duly elected and certified as unopposed in the May 2, 2020 General Election by Resolution 2020-02 and approved by the City Council, at the Regular Meeting on February 25, 2020.**

Mayor Elect Lou Wortham was sworn in by Mayor Konyha and took his place at the council table.

Alderman Elect Jeff Campbell was sworn in at Position 1 and took his place at the council table.

Alderman Elect James L. Cook was sworn in at Position 5 and took his place at the council table.

6. **Citizen’s Comments on Agenda Items Only**

Ms. Paula Eschelman, Retired City Secretary, shared her appreciation to Mayor Konyha for all of his service and commitment to the City. She said she enjoyed working with him and Bayou Vista is much like the *Tale of Two Cities*- “it was the best of times and the worst of times”, but the Mayor always got things together and off they went.

Citizen wondered how the City was having water aerobics this year when she thought the attorney had stopped it last year because the waivers are useless. She is concerned about the liability as a taxpayer.

Citizen reported the issue of liability was approached and she advised water safety instructors would be present for the classes.

Citizen said during the 10 years she has known the water aerobics to be going and there has not been one water incident or of a drowning. The citizens that attend are all mature and asked Council to take all these suggestions in to consideration and not force them to have lifeguards when it is not required.

Citizen stated she has been involved with some of the issues of public pools in Galveston County and they are all deemed public. They have signs that warn “swim at your own risk”. Since 1990 they have never had an issue at water aerobics, so she does not understand why we would try to fix something that is not broken.

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:
Regular Minutes of April 28, 2020.**

Mayor Wortham had a couple of concerns about the minutes: 7C on page 3, Mayor asked if Mr. Cook had a concern about the way the minutes were written. Mr. Cook stated that was up to the Ordinance committee and he wasn’t going to get hung up on the words “minor tweaks”. Mr. Wortham also requested the minutes be revised to more accurately reflect what he said about the hypocrisy during his citizen comments at the April 28th meeting. Mayor Wortham stated he said “the City would be” **not** “they are”. And he wanted it changed.

A motion to approve the minutes with the change from **they are** to the **City would be** was made by Joshua Christie.

The motion to change the minutes to reflect what Mayor Wortham actually said 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 April 2020.**
- **Municipal Court activity report for the month of April 2020.**
- **Building Permit activity report April 17th thru May 16th, 2020.**
- **Code Enforcement activity report April 2020.**
- **Building Inspector activity report for the month of April 2020.**

Alderman Christie asked Chief Gillane if the agency assists were down because of the function of everything being down for the month of April. Chief replied “yes”.

Alderman Christie questioned one of the violations (remediation plan/dock repair) on the building inspectors report and the City Secretary advised she would check tomorrow.

Chief Gillane updated Council on the rough estimates for FEMA Emergency Management Funds that would be due to the City for the COVID-19. Chief said the expenses to be submitted to FEMA were Cat. B Expenses, (masks, gloves, supplies etc.) for \$1,879.45 and City Hall and Police Department Salaries are \$43,491.01. He further said the vehicle mileage and gas have not been calculated into those numbers yet, so the amount due from FEMA would be more.

Alderman Christie asked when the deadline for submittal would be and Chief Gillane advised 30 days after the disaster was declared closed.

Chief Gillane updated Council on 2020 Hurricane Season.

B. Discuss and accept the Financial Statement ending May 2020, prepared by Whitley-Penn, if any.

Mr. Cook asked the Chief if the amount he would be submitting to FEMA for reimbursement would offset the over time amount reflected on the City Financials.

Mr. Campbell wanted to know if accepting money from FEMA would make us ineligible for the COVID-19 Relief Fund. The Chief said he understands if we file for the COVID 19 Relief Fund it would knock us out of the FEMA relief fund. FEMA will pay us for what the City spent. The COVID-19 relief fund may run out of money and FEMA is Federal. Chief said he would look into it and see if you have to do one or another.

Mr. Cook asked the Chief if there was another wave of the Virus if we could continue to file with FEMA. He said “yes”.

C. Presentation of plaque to Daniel S. Konyha and Robert Althaus for their service to the City of Bayou Vista.

Mayor Wortham presented an appreciation plaque to Mr. Althaus. Mr. Althaus said that it was an honor to serve.

Mayor Wortham said Mayor Konyha had such large shoes to fill and presented him with an appreciation plaque. Mr. Konyha said it was a pleasure and he enjoyed it and hopefully, he prayed, he left the City just a little better than when he started.

D. Special Reports by Aldermen – if any.

Mr. Cook shared the policies and procedures committee had a very productive meeting with Ms. Pat Pizzo and he wanted to thank her for her contribution.

9. ACTION ITEMS

A. EXECUTIVE SESSION

1. Executive Session: Council will convene into Executive Session pursuant to Texas Government Code 551.071 to deliberate the appointment of an Alderman,

Mayor Wortham announced the Council would adjourn to the City Building by the pool and leave the citizens to remain in the MUD Reception Room. Council adjourned into Executive Session at 7:14 pm.

2. Reconvene from Executive Session and take the following action:

The council reconvened from Executive Session at 7:40 pm.

3. Consider and take possible action to approve and appoint an Alderman, Position 2, from the resumes received.

A motion to appoint Shelby Dill to the position of Alderman 2 was made by Mayor Pro Tem Cook.

The motion was seconded by Alderman Christie.

The motion carried with all in favor.

Alderman Dill was sworn in by Mayor Wortham and took her seat at the Council table.

B. Consider and take possible action for City Council to appoint a Mayor Pro-Tem for a term of one year.

A motion to appoint Alderman Cook as Mayor Pro Tem for a one-year term was made by Alderman Hershey.

Alderman Christie made a motion to second the appointment.

The motion carried with all in favor, except for Mayor Pro Tem Cook, who abstained from voting for himself.

C. Consider and take possible action for City Council to schedule a Budget Workshop Meeting in June.

A motion to have a Budget workshop on June 23rd at 6:30 pm was made by Alderman Campbell.

The motion was seconded by Alderman Christie.

The motion carried with all in favor.

D. Consider and take possible action to approve Resolution 2020-04R requesting the Governor freeze 2020 property tax appraisals at the 2019 values, and if approved, send the resolution with a letter to Governor Abbott.

A motion was made by Mayor Pro Tem Cook to approve Resolution 2020-04R.

The motion was seconded by Alderman Dill.

The motion passed with all in favor.

E. Consider and take possible action to approve a re-platting request of lots 773 and 774 Marlin, combining the two (2) lots as one (1).

A motion was made by Alderman Christie to approve the variance for 773/774 Marlin as presented.

The motion was seconded by Alderman Hershey.

The motion carried with all in favor

F. Consider and take possible action to approve a variance for a fence at 710 Warsaw.

A motion was made by Alderman Hershey to approve the variance for the fence as presented.

The motion was seconded by Mayor Pro Tem Cook.

The motion carried with 4 to 1 in favor with Alderman Hershey, Alderman Christie, Alderman Dill and Mayor Pro Tem voting to approve the request for variance and Alderman Campbell voting no to the request for variance.

G. Consider and take possible action to approve the sale of daily pool passes to avoid accepting cash at the pool.

Mayor Pro Tem Cook made a motion to accept the daily pool pass punch cards in addition to exact change in cash to be dropped in a lock box to be built and installed at the pool by Alderman Campbell.

Mayor Pro Tem Cook's motion was seconded by Alderman Dill.

The motion passed with all in favor.

10. COMMENTS

- **Citizen's**

Citizen questioned light ordinance and complained about the ongoing problems with a neighbor's lights. Chief Gillane reported a citation was written and it has not gone to court either due to court not being held as a result of the COVID virus or the defendant not showing up. Council agreed something more should be done about the nuisance and Chief agreed to write additional tickets for the light nuisance violation. Mr. Gregg advised the complainant to give the City Secretary their witness information to testify in court.

Citizen asked City Council to clarify the light ordinance as to how bright can the lights be and do they need shields?

- **Aldermen's**

None

- **Mayor's**

Mayor Wortham said most of his comments are bad news. The road work will be delayed on Blue Heron due to permit issues.

Mayor Wortham advised council needs to look for some Cybersecurity Training as the State is requiring this training.

Shut off of water on several streets per Mayor Wortham, will start at 10 in the morning and continue until the MUD is finished with a repair.

11. ADJOURNMENT

The Mayor asked for a motion to adjourn; Alderman Hershey made a motion to adjourn.

The motion was seconded by Mayor Pro Tem Cook.

The motion carried with all in favor and the meeting adjourned at 8:20 pm

Respectfully submitted,
Terri Neal, Administrative Assistant

Lou Wortham, Mayor

Terri Neal, City Secretary