

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

**Special Called Meeting**

The members of City Council convened for a Special Called Meeting of the Bayou Vista City Council on Tuesday, June 4, 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:	Shelby Dill	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 Wortham 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 Wortham.

**5. CITIZEN'S COMMENTS ON AGENDA ITEMS ONLY**

Citizen wanted to reiterate what she said last meeting; water aerobics was started in the 90's after a citizen wrote and received a grant to repair the pool. She said the City requires a pool pass and a hold harmless agreement, whether they are valid or not, and charge a flat fee per person. Several people over the years have volunteered to teach water aerobics and attendees from all over the county participate. She further said, estimated on what individuals have told her, the water aerobics have generated over \$4000 at a flat fee of \$25.00, with some buying family passes to support the City. Citizen stated they are not opposed to lifeguards as an organization, but if they are required to have lifeguards, the City should pay for them. She said senior citizens use water aerobics to recover from surgery or, for some it is the only exercise they get. If the City decides they have to have lifeguards, then the City needs to refund the money for all the passes and they will see about getting lifeguards, they already have 2 that have volunteered. She further stated they have a petition with 292 signatures in support of continuing water aerobics and she asked Council to consider the fact that this has been a long standing community event; and one that is not a private event & work out a situation that is acceptable to all parties.

A citizen commented she submitted to council an email today that advised there are various pools in Galveston, and we are a class B pool which requires lifeguard during normal hours. There are class B pools that do not require lifeguards. Texas code in one provision states if a pool is normally operated as a class B, but is used for a private party that is closed for the duration of the party, then it is a class C pool; which means they could operate without lifeguards. She asked Council to confer with attorney to see if this is a doable solution.

A citizen stated she emailed Shelby and Mr. Cook today. She says she is in favor of finding a good solution to the pool situation. Bayou Vista is a unique community, and everyone should be able to enjoy water aerobics. She questioned the waiver of liability and she said her tax dollars and her vote pay for the water aerobics.

A citizen commented she believed everyone wanted to find the solution to water aerobics. She stated last year there was a sticking point and the problem was not resolved. The City went ahead and sold passes this year and for the past 20 years. She said there have been overages before in the City and she knows this money for lifeguards was not budgeted but the City needs to find the money.

A citizen stated he does water aerobics, him and two other guys. He said it gets his blood flowing and he enjoys meeting everyone. He further stated when he heard there was some in the community that wanted to shut it down, he was angry. He understands the City does not want to be held accountable in the event of an accident, but the City could be held responsible for many other accidents and would never be 100% liability free. The citizen wondered if the attorney could draw up another liability form or maybe change the hours to 9-6. He said the citizens are open to all suggestions, but they want to use the pool in the morning.

A citizen brought her son and Mr Al, who does water aerobics with her tonight. She said water aerobics is the exercise they get and need. She talked to her son's case manager to see if they could provide a lifeguard, but they can't right now. She said surely Council has bigger fish to fry than water aerobics, but the fact of trying to fix something that is not broken; there is no reason. She said in the Administrative Code, Title 25, Part 1, Chapter 265 Section 265.199 has the solution which requires signs and it is that simple.

## **6. SPECIAL REPORTS AND PRESENTATIONS**

### **A. Special Reports by Aldermen.**

None

### **B. Special Reports by Mayor.**

Mayor advised Chief Gillane had a report on Hurricane Preparedness. Chief Gillane informed the citizens he was going to do a short video which would have a link to the county website. He also stated he had brochures on Hurricane Preparedness, and he wanted everyone who needs assistance to get out of town in an emergency to call 211 and register. Chief said they are trying to get a bus to pick everyone up in the big parking lot that needs help. It should be posted on the City website and Bayou Vista Message Board by next Wednesday.

A citizen wanted to know who posted the Special Meeting online and complained it was not posted correctly. The Chief advised he did not have anything to do with that. She said whoever posted this meeting posted it wrong and someone needs to be overlooking.

The Mayor advised the pool is open until 8 pm on Sunday and directed the City Secretary to tell the lifeguards but corrected that to let the pool management company know as they are closing the pool at 6 pm on Sundays.

Mayor Wortham thanked Alderman Campbell for building the lock box and he reminded the citizens cash would be accepted at the pool, but it was exact change only.

## **7. ACTION ITEMS**

### **A. Consider and take possible action to approve setting a policy for any and all use of the pool facilities that occur outside normal operating hours.**

A motion was made by Mayor Pro Tem Cook, in the interim to let water aerobics continue until the City Attorney can contact Texas Parks & Wildlife Department for clarification on the rule about Class B or Class C pools since we have to be a community pool and not a private pool. A citizen and Mr. Cook offered to pay a lifeguard for several days until the City gets a definitive answer. The second option being to refund water aerobics pass money and the aerobics citizens can hire & pay their own lifeguards. This option will apply across the board to all events outside of regular hours.

The motion was seconded by Alderman Dill.

The motion carried with all in favor.

### **B. Consider and take possible action to establish and approve the City pool guest capacity to comply with the Texas Governor's Order.**

Mayor Pro Tem Cook made a motion to set the pool occupancy at 67 in compliance with Governor Abbotts Executive Order recommending 25% occupancy due to the COVID-19.

Alderman Campbell seconded the motion.

The motion carried with all in favor.

## **8. DISCUSSION**

### **A. Discuss the current MUD #12 Waste Water Treatment Plant and the City's responsibility in regards to response, assistance and notifications to residents of canal water quality issues.**

Citizens acknowledged they appreciated water quality warning postings from the City.

## **9. COMMENTS**

### **• Citizen's Comments**

A resident commented to not having any confidence in lifeguards showing up for the whole summer for aerobics. Resident further questioned, if the Parks & Wildlife is the controlling interest; then who is the owner of the pool?

A resident wanted to know how many times Texas Parks & Wildlife bring in a crowd of people to have a party.

• **Aldermen Comments**

None

• **Mayor's Comments**

Mayor Wortham asked Mr. Gregg the following; when you are researching those folks, find out how many grants the City has gotten from Texas Parks & Wildlife.

**10. Executive Session**

**A. Executive Session under Texas Government Code Section 551.071 regarding Consultation with Attorney 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 (Chapter 551 Texas Govt Code).**

Council adjourned into Executive Session at 8:21 pm.

**B. Open session only to establish closing time of Executive Session and time of opening the meeting to move to adjourn the meeting – no action after executive**

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

The motion was seconded by Alderman Hershey.

The motion carried with all in favor.

The meeting adjourned at 8:30 pm

Respectfully submitted,  
Terri Neal, Administrative Assistant

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Lou Wortham, Mayor

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Terri Neal, City Secretary