

**PUBLIC HEARING AND SPECIAL CALLED MEETING  
: SEPTEMBER 15, 2020**

The members of the Bayou Vista City Council convened for a Public Hearing and Special Called Meeting on September 15, 2020, at the Galveston County Municipal Utility District #12 – Reception Hall, located at 2929 Highway 6, Bayou Vista, Texas. Concerning the following items:

**1. Call Meeting To Order:**

The meeting was called to order by Mayor Wortham at 6:32 p.m.

**2. Roll Call :**

The Roll call was taken audibly and is as follows:

Mayor:	Lou Wortham	Present
Position 1:	Jeff Campbell	Present
Position 2:	Shelby Dill	Present
Position 3:	Paul Hershey	Present
Position 4:	Joshua Christie	Absent With Notice
Position 5: (Mayor Pro-Tem)	James L. Cook, III	Present

Legal Counsel – Dick Gregg was present.

**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 of Allegiance was led by Mayor Wortham.

**5. OFFICIAL PUBLIC HEARING**

A. **The OFFICIAL PUBLIC HEARING** - for the purpose of City Council considering adopting a tax rate for the 2020 tax year was opened to the public at 6:34 p.m.

**B. Citizen’s Comments concerning the proposed 2020 Tax Rate.**

A citizen commented that because of Covid and so many people out-of-work, that he felt the City should not increase taxes.

**C. Consider and take possible action to adopt the tax rate of \$ 0.3781 per \$100 for the year 2020 by roll call vote.**

A motion was made by Alderman Jeff Campbell adopt the tax rate of \$0.3781 per \$100 for the year 2020.

The motion was seconded by Mayor Pro-Tem James Cook.  
A roll call vote was taken and is as follows:

Members in favor:

Mayor Pro Tem James Cook  
Alderman Jeff Campbell  
Alderman Shelby Dill  
Alderman Paul Hershey

Members opposed: None

Motion carried with all in favor.

**D. Consider and take possible action to adopt the maintenance and operation rate of \$0.3741 per \$100 for the year 2020 by roll call vote.**

A motion was made by Mayor Pro-Tem James Cook to adopt the maintenance and operation rate of \$0.3741 per \$100 for the year 2020.

The motion was seconded by Alderman Shelby Dill.

A roll call vote was taken and is as follows:

Members in favor: Mayor Pro Tem James Cook  
Alderman Jeff Campbell  
Alderman Shelby Dill  
Alderman Paul Hershey

Members opposed: None

Motion carried with all in favor.

**E. Consider and take possible action to adopt the debt service rate of \$0.004 per \$100 for the year 2020 by roll call vote.**

A motion was made by Alderman Jeff Campbell to adopt the debt service rate of \$0.004 per \$100 for the year 2020.

The motion was seconded by Alderman Shelby Dill.

A roll call vote was taken and is as follows:

Members in favor: Mayor Pro Tem James Cook  
Alderman Jeff Campbell  
Alderman Shelby Dill  
Alderman Paul Hershey

Members opposed: None

Motion carried with all in favor.

- F. **Consider and take possible action to approve Ordinance 2020-03 providing for the assessment, levy, and collection of Ad Valorem taxes for the City of Bayou Vista, Texas for the Year 2020, 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; 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, by roll call vote.**

A motion was made by Mayor Pro-Tem to approve Ordinance 2020-03, as written.

The motion was seconded by Alderman Paul Hershey.

A roll call vote was taken and is as follows:

Members in favor:

Mayor Pro Tem James Cook  
Alderman Jeff Campbell  
Alderman Shelby Dill  
Alderman Paul Hershey

Members opposed: None

Motion carried with all in favor.

- G. **Close OFFICIAL PUBLIC HEARING**

The Mayor closed the Official Public Hearing at 6:47 p.m.

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

Citizen stated that a pool pass for each Alderman was a great idea.

**7. SPECIAL REPORTS AND PRESENTATIONS**

- A. City Departmental Reports
- Police Department activity report for the month of July 2020.
  - Municipal Court activity report for the month of July 2020.
  - Building Permit activity report for July 2020.
  - Code Enforcement activity report for July 2020.

The City Council reviewed the City Department Reports, as presented.

- B. Special Report
- Alderman Reports – If any.
  - Mayor Reports – if any.

Alderman Reports

Alderman Jeff Campbell spoke to the possibility of City Council selecting a day to celebrate the life of Joe Mims and passing a Proclamation for a Joe Mims day. Also, naming the Summer Festival fishing tournament after Joe Mims as he originated this function.

A motion was made by Alderman Jeff Campbell to place these two items on the September 29<sup>th</sup> – Regular Meeting Agenda.

The motion was seconded by Alderman Shelby Dill.

Motion carried with all in favor.

Mayor Pro-Tem shared with the City Council that he has been in contact with a representative for updating our Website. He stated he felt that this should be done after City Secretary is in place. A demo is available for the Council to view.

It was further discussed with legal Counsel that when the Webinar occurs to post a notice that the City Council will be participating in the Webinar.

Mayor's Report

Mayor Wortham reported that we did receive the pool grant and that he has been Receiving emails from the grant coordinator and that there will be a Webinar in October concerning the grant and the specifics, etc.

- C. Review July Financial Report for Fiscal Year 2019-2020, as submitted by Whitley-Penn.

The Council review the July Financial Report.

**8. ACTION ITEMS**

- A. **ORDINANCE NO. 2020-04** : AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF BAYOU VISTA, TEXAS BY REPEALING ARTICLE 10.11.00 ENTITLED; GOLF CARTS, SECTION 10.11.01 ENTITLED; PURPOSE A. AND B.; SECTION 10.11.02 ENTITLED; DEFINITIONS A. 1-3; SECTION 10.11.03 ENTITLED; GENERAL REQUIREMENT A. 1-8; SECTION 10.11.04 ENTITLED; OPERATION A. AND B.; AND SECTION 10-11.05 ENTITLED; PENALTY A., FOR THE PURPOSE OF REPLACING THE ARTICLE 10.11.00 SPECIFICALLY PROVIDING THAT THE CITY OF BAYOU VISTA MAY, UNDER CERTAIN CONDITIONS, ALLOW FOR THE OPERATION OF GOLF CARTS AND OFF-HIGHWAY VEHICLES ON A STREET OR PUBLIC HIGHWAY WITHIN ITS JURISDICTION AS PRESCRIBED BY THE TEXAS TRANSPORTATION CODE, SECTION 551.404 AND SECTION 551A.053, FOR THE NECESSARY REGULATIONS FOR THE OPERATION OF GOLF CARTS AND OFF-HIGHWAY VEHICLES, AND CREATING CERTAIN OFFENSES, WITH ALL OTHER SUBSECTIONS, SECTIONS AND ARTICLES WITHIN THIS CHAPTER TO REMAIN IN FULL FORCE AND EFFECT AS WRITTEN, REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT, HEREWITH PROVIDING A PENALTY, REQUIRING PUBLICATION AND PROVIDING FOR SEVERABILITY., as requested for placement on this Agenda by City Council at the July 28, 2020 Regular Meeting and tabled at the August 25, 2020 Official Budget Hearing - Public Hearing – Regular Meeting for placement on this Agenda by Mayor Wortham at the request of the Police Department.

A motion was made by Alderman Paul Hershey to approve Ordinance 2020-04 as presented with typos corrected prior to publication.

The motion was seconded by Mayor Pro-Tem Cook.

Motion carried with all in favor.

- B. Consider and take possible action to approve a free pool pass for each member of City Council during their term of office as tabled at the August 25, 2020 Official Budget Hearing - Public Hearing – Regular Meeting, and placed on this Agenda by Mayor Wortham at the request of Alderman Jeff Campbell.

No action taken.

- C. Consider and take possible action to use the previously approved expenditure of \$2,500 (approved at the August 11, 2020 – Special Called Meeting ) from the current Fiscal Year Budget 2019-2020, Fund Number:1004 – Road Repair on Blue Heron as contractor could not meet the September 3, 2020 deadline, but to include the \$2,500 to offset the additional cost of repairs as specified in the proposal received from Fox Paving, as requested for placement on this Agenda by Alderman Paul Hershey and Mayor Pro-Tem James Cook.

Mayor Wortham gave an overview of the status of the County concerning the road repair to Blue Heron. The County Engineers will be advertising for bid proposals and the bid opening hopefully will occur in late November. To partially repair Blue Heron it will cost approximately \$24,000 over and above the \$400,000.00 of County monies; or to have the entire street asphalted it will cost approximately \$69,000 above the \$400,000.00 of County monies. These options will be available at a later date for the Council's decision.

A lengthy discussion followed with Fox Paving and the different scenarios that could be taken at this time to patch Blue Heron. It was determined by Council that to spend \$16,000.00 at this time to patch Blue Heron with the County then coming in and removing the new patch isn't a financially sound decision.

A motion was made by Alderman Paul Hershey to have the Building Inspector use his equipment, as he has done in the past, to make the necessary repair to Blue Heron until the County can start work, and to pay the Building Inspector for additional hours, if any, and to work with Fox Paving to define the condition of the streets and where work is needed in order to have a game plan for Council's approval.

The motion was made by Mayor Pro-Tem James Cook.

Motion carried with all in favor.

## 9. DISCUSSION

- A. Discuss the City of Bayou Vista Code of Ordinances – Chapter 10 – Traffic Control, Article 10.09.00 -Obstructions, Section A. which prohibits the obstruction of the drainage ditch, as tabled at the August 25, 2020 Official Budget Hearing - Public Hearing – Regular Meeting and placed on this Agenda by Mayor Wortham at the request of Alderman Shelby Dill.

A request from Alderman Shelby Dill to discuss item B at this time with Item A to follow. The Mayor agreed and suggested that these two (2) items could be combined in the discussion.

- B. Discuss the adjustment to drainage ditches to allow for better water flow and egress. Requested for placement on this Agenda by Alderman Shelby Dill and Mayor Lou Wortham.

Alderman Shelby Dill discussed the hand-out she had prepared for City Council with Background Information and different Proposals.

Alderman Jeff Campbell shared with Council that the Ordinance Committee has begun work on this issue with several options for City Council to consider. One option will be for a “city” design to be followed for the construction of the bridges, type of wood, etc. that will be used, etc., for homeowners to adhere to.

No permit fee will be charged, but the Building Inspector will work with the homeowners in order to achieve consistency. The Ordinance committee will be presenting all of this information to City Council.

Discussion continued with the possibility of the City paying for and constructing the bridges with consensus from the Council that this should not be the city’s responsibility.

To install a drainage pipe in the ditches, as suggested as a possibility, would be cost prohibitive. The members of Council felt that the City was responsible for the drainage of these ditches and there is clearly a problem with the drainage and the City needs to find out what is causing the issue. The water in the ditches is tidal water which adds further problems to this issue.

- C. Discuss the Fire Marshall’s clarification concerning our Fire Code and if it is meeting the required standards, as tabled at the August 25, 2020 Official Budget Hearing - Public Hearing – Regular Meeting and requested for placement on this Agenda by Alderman Jeff Campbell and Mayor Wortham.

Discussion occurred with Alderman Campbell stating the Ordinance needed a more current Fire Code and to use the American Fire Code.

## 10. COMMENTS

- Citizen’s Comments

A citizen stated that a golf cart parade in honor of Joe Mims will occur October 3, 2020, with all participants gathering at the church parking lot at 8:30 a.m. All participants are encouraged to decorate their golf carts in a patriotic theme.

A citizen suggested that the City Council appoint a citizen’s committee to advise the City Council concerning with the inadequacies of the pool. Also, the lawn furniture needs to be replaced. Requested that the Ordinance for the bridges include on-going maintenance requirements.

- Aldermen Comments

Mayor Pro-Tem James Cook thanked all for coming.

- Mayor’s Comments

Mayor stated that when a bulkhead needed replacing on the marsh-side of Blue Heron, the bulkhead will meet height standards to help eliminate the drainage problem which is now occurring and causing this issue on Blue Heron.

**11. ADJOURNMENT**

A motion was made by Alderman Shelby Dill, seconded by Alderman Paul Hershey, duly put and unanimously carried, the City Council adjourned at 8:15 p.m.

Respectfully submitted,  
Paula J. Eshelman, Interim City Secretary

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Lou Wortham, Mayor

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Paula J. Eshelman, Interim City Secretary