

REGULAR MEETING – SEPTEMBER 29, 2020

The members of the Bayou Vista City Council convened for a Regular Meeting on September 29, 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 6:33 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	Present
Position 5:	James L. Cook, III	Present
(Mayor Pro-Tem)		

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. Citizen’s Comments on Agenda Items Only

Citizen stated that all salaries should be competitive and compared with the size of our City. However, with Covid, it has been a financially difficult year for a lot of individuals; therefore, no raises should be given and hopefully the employees will understand.

Citizen spoke to the engineering cost for the Blue Heron road repair project. In his opinion, this was a basic street replacement and the engineering costs should not be that high.

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:

- Regular Meeting – July 28, 2020
- Special Called – Budget Workshop – August 11, 2020
- Official Budget Hearing – Public Hearing – Regular Meeting August 25, 2020
- Public Hearing – Special Called – September 15, 2020

NOTE: The Minutes for the September 15, 2020, Public Hearing-Special Called Meeting were incomplete – missing pages three (3) through page five (5), with consideration and possible action to be approved at the October Regular Meeting.

A motion was made by Alderman Christie to approve the Minutes as presented with the Minutes for the September 15, 2020 – Public Hearing-Special Called Meeting considered for possible approval at the October Regular Meeting.

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

Motion carried with all in favor.

7. SPECIAL REPORTS AND PRESENTATIONS

A. City Departmental Reports:

- Police Department activity report for the month of August 2020.
- Municipal Court activity report for the month of August 2020.
- Building Permit activity report for August 2020.
- Code Enforcement activity report for the month of August 2020.

The City Council reviewed the City Departmental Reports.

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

The City Council reviewed the Financial Statement ending August 2020. The City Council requested placement of determining Fiscal Year 2019-2020 surplus to be placed on the October Regular Meeting Agenda with the Council to vote on determining which account(s) the surplus should be transferred to.

C. Special Report

- Alderman Reports, if any.

Alderman Jeff Campbell spoke to Council concerning the “city” design for the ditch bridges, etc. A lengthy discussion ensued with determination to continue this discussion with placement as a discussion item on the October Regular Meeting agenda.

Alderman Paul Hershey stated that the repairs to the large hole on Blue Heron had been addressed.

- Mayor Report, if any.

The Mayor reported that the pool grant is moving forward with more information to be given to the City in late October. Also, the Interlocal Agreement with MUD #12 – lease agreement will be included on the October Regular Meeting Agenda.

8. ACTION ITEMS:

- A. Consider and take possible action to receive quotes for wiring the Community Center to support a generator in order for the Community Center to be used as a Command Center in case of a catastrophic event, as placed on this Agenda by Mayor Wortham.

Discussion occurred with determination that this Action Item was only for electrical work to install a receptacle that could support a generator, The Police Chief reported that a generator and fuel will be provided, free of charge, from the Texas Department of Emergency Management should the need arise.

A motion was made by Alderman Christie to approve the Building Inspector to secure bids for the electrical work needed to support a generator.

The motion was seconded by Alderman Paul Hershey.

The motion carried with all in favor.

- B. Consider and take possible action to select between the two (2) Blue Heron Road Project alternatives; to choose to schedule a meeting to select between the two (2) Blue Heron Road Project alternatives or take other action regarding the Blue Heron Project, as placed on this Agenda by Mayor Wortham.

A lengthy discussion ensued. The consensus of the City Council was that more information was needed prior to making this decision. A request was made to have the County specifications, bid requirements and contract documents emailed to each Alderman. It was also discussed that the drainage situation on Blue Heron is causing the engineering costs to rise.

A motion to table at this time was made by Alderman Paul Hershey in order for more review and research to occur with the Council.

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

Motion carried with all in favor.

9. DISCUSSION

- A Discuss proclaiming a “Joe Mims” Day and/or naming the Summer Festival Fishing Tournament, the “Joe Mims” Fishing Tournament in honor of his memory as placed on this Agenda by City Council vote at the Public Hearing – Special Called Meeting of September 15, 2020.

Discussion occurred with all in agreement that Joe Mims should be honored with a Proclamation, etc, and since the Summer Festival was the inception of Joe Mims in 1987, as Mayor, to rename the Memorial festivities from “The Summer Festival” to “The Joe Mims Summer Festival” would be very appropriate. The Police Chief stated the Department would pay to have the street banner reprinted.

The memorial bench was also discussed. The family would like to have a memorial bench placed on the corner of Redfish and Neptune drive.

Both issues – renaming the “Summer Festival” to the “Joe Mims Summer Festival” and the memorial bench will be placed on the Agenda in October – Regular Meeting, as an action item.

10. COMMENTS

- Citizen’s Comments

Blue Heron citizens spoke to the outlandish cost of the engineering for the road repair project, to include the 560’ of the Blue Heron road, toward the church, in the project, and a request to keep the residents updated with the project. The dust from the repair to the hole in Blue Heron was becoming an issue.

- Aldermen Comments

Mayor Pro-Tem James Cook requested a Special Called Meeting to be scheduled concerning the Blue Heron Project. The date of October 20, 2020 was agreed upon. The meeting will be held at the Community Center as Early Voting will be occurring at the MUD #12 – Reception Hall on that date as well as, the Regular Meeting date of October 27, 2020.

- Mayor’s Comments

The Mayor had no comments at this time.

11. EXECUTIVE SESSION:

The Mayor called the City Council into Executive Session at 7:47 p.m. for the purpose as follows:

- A.** Executive Session: under Texas Government Code – Section 551.074(1): A governmental body may conduct a closed session (a) to deliberate personnel matters; the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee, or (b) to hear complaint or charge against an officer or employee.

- (a) All City Employees with respect to salaries
- (b) To hear complaint or charge against an officer or employee, to wit, Terri Neal.

- B.** Executive Session: under Texas Government Code, Section 551.071: A governmental body may conduct a closed session when the governmental body seeks the advice of its attorney on (A) pending or contemplated litigations; or (B) a settlement offer; or (2) 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 conflict.

12. RECONVENE IN OPEN SESSION FOLLOWING EXECUTIVE SESSION:

- A. The Council reconvened from Executive session and returned to Open Session at 8:54 and took the following action:

A motion was made by Mayor Pro-Tem James Cook to approve all compensation by consensus of the City Council for the following City employees:

City Secretary
Court Clerk
Building Inspector
Maintenance Person
Patrol Officers

Motion was seconded by Alderman Paul Hershey.

Motion carried with all in favor.

A motion was made by Alderman Jeff Campbell to approve \$70,000 as the salary for the Chief of Police.

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

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

Members opposed: Alderman Shelby Dill
Alderman Joshua Christie

Motion carried with the majority in favor.

13. ADJOURNMENT

A motion was made by Mayor Pro-Tem James Cook, seconded by Alderman Paul Hershey, duly put and unanimously carried; the Council adjourned at 8:55.

Respectfully submitted,
Paula J. Eshelman – Interim City Secretary

Lou Wortham, Mayor

Paula J. Eshelman, Interim City Secretary