

REGULAR MEETING – NOVEMBER 24, 2020

The members of the Bayou Vista City Council convened for a Regular Meeting on November 24, 2020, 6:30 p.m. via Zoom meeting, concerning the following items:

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m.

2. Roll Call

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:	James L. Cook, III	Present
Mayor-Pro-Tem		

Legal Counsel, Dick Gregg III, was also 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 and Pledge to the Texas Flag

The Pledge of Allegiance and the Pledge to the Texas Flag was led by Mayor Wortham.

5. Citizen's Comments on Agenda Items Only

No Citizen's comments were made as there were no citizens participating in the Zoom meeting.

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:
- Special Called/Regular Meeting of October 20, 2020
 - Special Called Meeting of October 27, 2020

A motion was made by Alderman Shelby Dill to approve the Minutes of October 27, 2020, as written.

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

Motion carried with all in favor.

NOTE: The Minutes for the October 20, 2020 Special Called Meeting – Regular Meeting were not available for this meeting as anticipated. The Interim-City Secretary was not present at this meeting and the Administrative Assistant of MUD had been called upon to take the Minutes in the absence of the Interim-City Secretary. The Minutes for the October 20, 2020 meeting will be presented at the next Regular Meeting of the City Council.

7. SPECIAL REPORTS AND PRESENTATIONS

- A. Discuss and accept the Financial Statement ending September 2020, prepared by Whitley-Penn, as requested for placement on this Agenda by City Council at the Regular Meeting of October 27, 2020. Ms. Lydia Cook, the City’s Accountant – Whitley- Penn will be present to answer any questions from City Council.

The City Council reviewed the Financial Statement with Lydia Cook, the City’s Accountant, with clarification given to the following questions:

- 1. Court Prosecutor fee was above the budgeted amount which may be a possible accounting error with assigning the wrong Chart of Account number.
- 2. Chief’s Salary – determined to be partially due to the CARES act grant
- 3. Over-Time – listed twice on Statement possibly CARES act is included
- 4. Amount left for land purchase. Listed as if the balance was \$122,000.00
- 5. Transfer of funds from the Road Repair-portion of the Sales Tax was not recorded by the Accountant.

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

The City Council reviewed the Financial Statement ending October 2020.

A motion was made by Mayor-Pro-Tem James Cook to approve the October 2020 Financial Statements as presented and prepared by Whitley-Penn and to postpone the approval of the Financial Statements ending September 2020, until further review by the Accountant has been completed.

The motion was seconded by Alderman James Campbell.

Motion carried with all in favor.

Accountant requested land purchase and the bank transfer information on the Road Repair funds to be sent to her by the Interim City Secretary.

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

The City Department Reports were review by City Council.

D. Special Report

- Alderman Reports, if any.
- Mayor Report, if any.

Alderman Jeff Campbell gave an overview -update on the progress of the Memorial bench for Joe Mims.

Mayor reported on the following issues:

1. Invoiced for \$144,000 by Galveston County for the road work on Blue Heron.
2. Resolution or comparable to reaffirm the original HL&P Franchise agreement Ordinance initiated in 1985 - showing current signatures of the City Council. for the necessary boring under I-45 and down Sailfish for a few several hundred feet by CenterPoint Energy in preparation of the TxDot construction to I-45.
3. Tax Office deferment may lower the anticipated ad-valorem taxes to be received in the 2020-2021 Fiscal Year by a significant amount.
4. Pool Grant – Looking at spending less on the interior and exterior of the Pool House.
Pool House needs electrical work – circuit breakers. We could spend the monies now or leave in Grant and negotiate with electrical contractor.
Alderman Jeff Campbell will get with the Building Inspector and Alderman Paul Hershey will reach out to Crescent for an explanation of the scope of work needed.
5. Pool Management Company has agreed to open on Memorial Day and close on Labor Day with a Sunday option along with different options for evening swims for adults.
6. Susan Sharp – Pool Grant – budget will be redone. Appointment has been scheduled.
7. The City Audit for Fiscal Year 2019-2020 and the Texas Municipal League Audit for Fiscal Year 2019-2020 are being prepared.
8. City Secretary applications (15) reviewed and interviews for the top four (4) will occur on Nov. 1, 2020.

8. ACTION ITEMS:

- A. Consider and take possible action to approve ORDINANCE 2020-04 AMENDING THE CODE OF ORDINANCES OF THE CITY OF BAYOU VISTA, TEXAS BY REVISING ARTICLE 3.17.00 ENTITLED; SIGN REGULATION, SECTION 3.17.02 ENTITLED; DEFINITIONS, REQUIREMENTS AND RESTRICTIONS, BY REVISING (3) ENTITLED; POLITICAL SIGNS AND DELETING (9) ENTITLED; NUMBER OF SIGNS IN ITS ENTIRETY, 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.

A motion was made by Alderman Paul Hershey to table this item.

The motion was seconded by Alderman Jeff Campbell.

Motion carried with all in favor.

NOTE: Correction to item number 6. by adding “square feet in size” to the last sentence.

- B. Consider and take possible action to approve the contract with the accounting firm of Whitley-Penn for preparation of the Financial Statements as of October 31, 2020 through September 30, 2021, as submitted by Whitley Penn.

A motion was made by Mayor Pro-Tem James Cook to approve the contract as submitted by the accounting firm of Whitley-Penn, as presented.

The motion was seconded by Alderman Paul Hershey.

The motion carried with all in favor.

- C. Consider and take possible action to approve the proposed revisions to the Bayou Vista Policies and Procedures – by combining Chapter 7 entitled: Attendance and Leave and Chapter 8 entitled: Employee Wage and Benefits into a new Chapter 7 entitled: Employee Leave and Benefits, as requested for placement on this Agenda by Mayor Pro-Tem James Cook and Alderman Shelby Dill.

A motion was made by Alderman Shelby Dill to table at this time.

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

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

Members abstaining: Alderman Jeff Campbell

Motion carried with the majority in favor.

9. COMMENTS

- Citizen's Comments
- Aldermen Comments
- Mayor's Comments

No comments from Citizens, Aldermen, or the Mayor.

10. EXECUTIVE SESSION:

The Mayor called the City Council into Executive Session at 8:25 under 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.

11. RECONVENE IN OPEN SESSION FOLLOWING EXECUTIVE SESSION

The City Council reconvened into Open Session at 9:10 p.m. and took the following action:

A motion was made by Mayor Pro-Tem James Cook to authorize the City Attorney to take action as discussed in Executive Session.

The motion was seconded by Alderman James Campbell.

Motion carried with all in favor.

12. ADJOURNMENT

A motion was made by Alderman Shelby Dill, seconded by Alderman James Campbell, duly put, and unanimously carried; the City Council adjourned at 9:10 p.m.

Respectfully submitted,

Paula J. Eshelman
Interim City Secretary

Lou Wortham, Mayor

Paula J. Eshelman, Interim City Secretary