

**REGULAR MEETING
JANUARY 26, 2021**

The members of the Bayou Vista City Council convened for a Regular Meeting on January 26, 2021, via Zoom Meeting concerning the following items:

1. CALL MEETING TO ORDER

The meeting was called to order by Mayor Wortham at 6:33 p.m.

2. 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.

3. ROLL CALL

The Roll Call was taken by the Interim City Secretary 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 also present.

4. PLEDGE OF ALLEGIANCE AND PLEDGE TO THE TEXAS FLAG

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

5. CITIZENS COMMENTS ON AGENDA ITEMS ONLY

A citizen spoke to Council about her concern with the proposed Ordinance 2021-03 concerning Political Signage and expressed concern with the proposed revision to the Personnel Policies and Procedures regarding Paid Time Off versus the existing sick leave and vacation.

A citizen spoke to Council concerning Action Item 8-I regarding the Pool Contract and the dates and times the pool would be in operation.

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 Meeting (Regular Meeting) October 20, 2020
- Regular Meeting – November 24, 2020
- Special Called Meeting – December 8, 2020

A motion was made by Alderman Shelby Dill to approve the Minutes of the Special Called Meeting (Regular Meeting) October 20, 2020, the Minutes of the Regular Meeting of November 24, 2020, and the Minutes of the December 8, 2020 Special Called Meeting, as written.

The motion was seconded by Alderman Joshua Christie.

A roll call vote was conducted by the Interim City Secretary and is as follows:

Members in favor: James Cook, III
Shelby Dill
Jeff Campbell
Paul Hershey
Joshua Christie

Motion carried with all in favor.

7. SPECIAL REPORTS AND PRESENTATIONS

A. City Departmental Reports

- Police Department activity report for December 2020.
- Municipal Court activity report for the month of November and December 2020.
- Building Permit activity report for the month of November and December 2020.
- Code Enforcement activity report for the 2020 calendar year.

The City Department Reports were reviewed by the City Council.

B. Review and discuss the Financial Statement ending November and December 2020, prepared by Whitley-Penn.

The City Council reviewed the November and December 2020 Financial Statements prepared by Whitley Penn.

Mayor Pro-Tem stated he felt the City was in good financial shape. Alderman Dill questioned the amount of Insurance payment with response given that the Windstorm Insurance will be invoiced in the Spring.

C. Special Report

- Alderman Reports, if any.

Mayor Pro-Tem spoke to Council concerning the issue of line draw by FEMA and appeal may be necessary and we are waiting to hear back from the Engineer with a quote concerning the additional work in correcting this issue.

Alderman Dill spoke to the road construction project on Blue Heron.

Alderman Paul Hershey spoke to Council concerning the Bonita outfall repair that will be necessary.

D. Introduce new Bayou Vista Police Officer, Nicholas Callies.

Police Chief Jimmie Gillane introduced our newest member of the Police Department.

8. ACTION ITEMS

(ELEMENTOS DE ACCIÓN)

- A. Consider and take possible action to approve administering the Oath of Office to Lillian Salinas, newly appointed City Secretary. The Oath of Office will be administered by Mayor Wortham.

Oath of office was administered by Mayor Lou Wortham to newly appointed City Secretary, Lillian Salinas.

- B. Consider and take possible action to designate Lillian Salinas as the Records Management Officer for the City of Bayou Vista as required by Texas State Library and Archives Commission.

A motion was made by Mayor Pro-Tem James Cook to designate Lillian Salinas as the Records Management Officer for the City of Bayou Vista.

The motion was seconded by Alderman Paul Hershey.

A roll call vote was conducted by the City Secretary and is as follows:

Members in favor: James Cook, III
Shelby Dill
Jeff Campbell
Paul Hershey
Joshua Christie

Motion carried with all in favor.

- C. Consider and take possible action to approve the Declaration of Compliance with the Records Scheduling Requirement of the Local Government Records Act as required by Texas State Library and Archives Commission.

A motion was made by Mayor Pro-Tem James Cook to approve the Declaration of Compliance as presented.

The motion was seconded by Alderman Paul Hershey

A roll call vote was conducted by the City Secretary and is as follows:

Members in favor: James Cook, III
Shelby Dill
Jeff Campbell
Paul Hershey
Joshua Christie

Motion carried with all in favor.

- D. Consider and take possible action to approve **Ordinance 2021-01** repealing the Code of Ordinances of the City of Bayou Vista, Chapter 1 entitled; **General Provisions**, Article 01-14.00 entitled; **Records Management** for the purpose of consistency with procedures as prescribed by the Texas Local Government Records Act (Title 6, Subtitle C, Local Government Code) in order for the City of Bayou Vista to adopt a plan to abide by the prescribed policies and procedures consistent with the Local Government Records Act.

A motion was made by Alderman Paul Hershey to approve Ordinance 2021-01 as presented.

The motion was seconded by Mayor Pro-Tem James Cook

A roll call vote was conducted by the City Secretary and is as follows:

Members in favor: James Cook, III
Shelby Dill
Jeff Campbell
Paul Hershey
Joshua Christie

Motion carried with all in favor.

- E. Consider and take possible action to approve **Ordinance 2021-02** calling for the General Election of May 1, 2021, for the purpose of electing three (3) Aldermen.

A motion was made by Alderman Joshua Christi to approve Ordinance 2021-02, as presented.

The motion was seconded by Alderman Paul Hershey.

A roll call vote was conducted by the City Secretary and is as follows:

Members in favor: James Cook, III
Shelby Dill
Jeff Campbell
Paul Hershey
Joshua Christie

Motion carried with all in favor.

- F. Consider and take possible action to approve **Ordinance 2021-03** amending the Code of Ordinances of the City of Bayou Vista, Texas by revising Chapter 3 entitled; **Building and Construction**: Article 3.17.00 entitled; **Sign and Regulations**, 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 approve Ordinance 2021-03 as presented.

The motion was seconded by Alderman Shelby Dill.

A roll call vote was conducted by the City Secretary and is as follows:

Members in favor: James Cook
Shelby Dill
Jeff Campbell
Paul Hershey
Joshua Christie

Motion carried with all in favor.

- G. Consider and take possible action to approve a contract with Galveston County-Election Division to conduct the May 1, 2021, General Election.

A motion was made by Alderman Jeff Campbell to approve contract with Galveston County-Election Division to conduct the May 1, 2021 General Election.

The motion was seconded by Alderman Shelby Dill.

A roll call vote was conducted by the City Secretary and is as follows:

Members in favor: James Cook
Shelby Dill
Jeff Campbell
Paul Hershey
Joshua Christie

Motion carried with all in favor.

- H. Consider and take possible action to approve **Ordinance 2021-04** to re-affirm the 1985 franchise agreement with HL&P to clarify CenterPoint Energy Survey and Right-of-Way for the necessary boring and completion of project by CenterPoint Energy for the TxDot's future road construction and upgrade to I-45.

NOTE: No action taken as CenterPoint decided the original documents submitted previously are adequate to improve electrical service from the anticipated I-45 road construction.

- I. Consider and take possible action to enter into pool contract with USA Management and choose option for days and hours of operation.

A motion was made by Alderman Jeff Campbell to approve Option 2

The motion was seconded by Alderman Paul Hershey.

A roll call vote was conducted by the City Secretary and is as follows:

Members in favor: James Cook
Shelby Dill
Jeff Campbell
Paul Hershey
Joshua Christie

Motion carried with all in favor.

- J. Consider and take possible action to implement a Paid Time Off (PTO) employee leave policy, reducing total annual leave awarded to Bayou Vista Police Officers and other city employees by 25%; further by reducing by 75% any employee sick leave earned but not taken by January 1, 2022; and revising other sections of Chapter 7 of the Personnel Policies and Procedures Manual of the City of Bayou Vista, entitled Attendance and Leave, specifically including revision to Section 7.03 entitled; Vacation, deletion of Section 7.04 entitled; Sick Leave, revision to Section 8.01 entitled; Texas Municipal Retirement System,, revision to Section 8.02 entitled; Group Health , Life and AD&D, revision to Section 8.03 entitled; Employee "Opts Out" of Group Health and revision to Section 8.04 entitled; 457 Employee Contribution, and deletion of Section 8.05.entitled Overtime, as requested for placement on this agenda by Alderman Shelby Dill.

The motion was seconded by Alderman Joshua Christi.

A roll call vote was conducted by the City Secretary and is as follows:

Members in favor: James Cook
Shelby Dill
Jeff Campbell
Paul Hershey
Joshua Christie

Motion carried with all in favor

NOTE: At the Regular Meeting of February 23, 2021, the City Council amended this action item including the following underlined verbiage as follows:

A motion was made by Alderman Paul Hershey to approve implementing a Paid Time Off (PTO) employee leave policy and other revisions to Chapter 7 of the Personnel Policies and Procedures Manual as written with further discussion on this initial Agenda Item as it was felt the way it was stated on the Agenda shed a negative light on this revision to the Policies.

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

The motion was seconded by Joshua Christie.

9. DISCUSSION
(DISCUSIÓN)

- A. Discuss Alderman access to the City Attorney, as requested for placement on this Agenda by Mayor Pro-Tem James Cook.

Mayor Pro-Tem suggested to Council that a check and balance protocol should be used by Aldermen to contact attorney through the Mayor or Mayor-Pro-Tem

- B. Discuss the process for hiring/appointing Department Head, as requested for placement on this Agenda by Alderman Jeff Campbell.

Alderman Campbell suggested that the final process for interviewing Department Heads should be brought before the Council.

- C. Discuss license plate readers (LPR) for the City of Bayou Vista and review estimates from Antler Technology and Flock LPR.

Chief Gillane introduced Lt. Tommy Hansen who gave a brief presentation regarding the License Plate Readers. It was discussed that leasing air time would cost \$5000 a year and a one time \$250 installation fee per unit. Council asked that a formal quote be presented to Council and that this item be placed on the next agenda.

10. COMMENTS

(COMENTARIOS)

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

No comments from Citizen's, Aldermen, or the Mayor

11. EXECUTIVE SESSION:

The Mayor called the City Council into Executive Session at 8:12 p.m. 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.

12. RECONVENE IN OPEN SESSION FOLLOWING EXECUTIVE SESSION:

The City Council reconvened into Open Session at 8:56 p.m. and took the following action:

A motion was made by Mayor Pro-Tem James Cook to authorize Dick Gregg to continue with the litigation related to the property located at 533-534 Pompano currently set for trial October 18, 2021. He further moved to perfect an administrative search warrant for the property and take the other actions discussed in the Executive Session.

The motion was seconded by Alderman Joshua Christie.

Members in favor: James Cook
Shelby Dill
Jeff Campbell
Paul Hershey
Joshua Christie

Motion carried with all in favor.

13. ADJOURNMENT

A motion was made by Alderman Hershey, seconded by Alderman Shelby Dill, duly put and unanimously carried; the City Council adjourned at 9:00 p.m.

Respectfully submitted,

Lillian Salinas
City Secretary