

**CITY OF BAYOU VISTA**  
**\*\*\*MINUTES\*\*\***  
**REGULAR MEETING**  
**TUESDAY, NOVEMBER 29, 2022**



**NOTE:** When there is a “starred” item on this Agenda, it designates that the City of Bayou Vista has uploaded materials for a particular agenda item on the City’s Official Website for public review prior to the meeting.

The City of Bayou Vista’s Mayor and City Council hereby gives public notice of their Regular Meeting to be held on Tuesday, November 29, 2022, at 6:30 p.m., at the **GALVESTON COUNTY MUD #12 BUILDING, 2<sup>ND</sup> FLOOR – RECEPTION HALL**, located at 2929 Highway 6, Bayou Vista, Texas. The items to be discussed or considered and possibly acted upon are the following:

**1. CALL MEETING TO ORDER**

The meeting was called to order at 6:30 PM

**2. ROLL CALL**

Roll Call was taken and is as follows:

Mayor Eshelman	Present
Mayor Pro-Tem Christie	Absent with Notice
Alderman Beard	Present
Alderman Rambin	Absent with Notice
Alderman Mitchell	Present
Alderman Bass	Present

**3. FIRST ORDER OF BUSINESS**

The Mayor Announces:

- A.** A quorum of the City Council is present,
- B.** City officials duly called this meeting, and
- C.** City Secretary posted the Meeting Notice in the manner prescribed by law.

**4. PLEDGE OF ALLEGIANCE AND PLEDGE TO THE TEXAS FLAG**

The Pledge of Allegiance was led by Alderman Beard.

**5. PRESENTATIONS**

- A.** Presentation as requested by City Council at the September 27, 2022, Regular Meeting, by Jared Belovich, PE, Transportation Technician, TxDOT for future discussion and review including a “sound wall” to be incorporated into the construction of TxDOT row and placed at designated areas on the parameter of Bayou Vista toward Highway 6.

The fifteen-minute presentation will be followed by a ten-minute Question/Answer session from members of the Community and City Council.

**The was no presentation. Representatives from TxDOT were not able to attend the meeting.**

- B. Presentation of new Bayou Vista Police Officers; Joshua Allred, Archie Mizell and Vivian Smith by Chief of Police, Jimmy Gillane.**

**Police Chief Gillane presented three (3) new officers to the police force. Officer Mizell brings 18 ½ years of service to the force. Officer Allred brings 24 years of service. Officer Smith is a non-paid Code Enforcement Officer.**

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

A citizen commented that TP&W is not fond of giving land away and suggested the city use the city reserve instead of land for the grant. This citizen also suggested the Fishing Club donate to the Pickle Ball Court. Several citizens were not sure about the helicopter rides on Wounded Warrior weekends. The Police Chief was thanked for keeping the PD staffed and for going after Operation Lone Star Grant.

**7. CONSENT AGENDA: All of the following items on the Consent Agenda are 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 request.**

- A. Approval of Minutes** of all prior meetings not yet approved including but not limited to:
1. Regular Meeting of October 25, 2022.

**The meeting minutes were reviewed.**

**A motion was made by Alderman Mitchell to approve the minutes of the Regular Meeting of October 25, 2022.**

**The motion was seconded by Alderman Bass.**

**Motion carried with all in favor.**

**8. SPECIAL REPORTS**

- A. City Departmental Activity Reports for October 2022**
- Police Department
  - Municipal Court
  - Building Permit
  - Code Enforcement
  - Building Inspector

**City Department Activity Reports for the month of October 2022 were reviewed and discussed among the Mayor and Aldermen.**

- B. Discuss and accept the Financial Statement ending October 2022, as submitted by Ray Tax Group as presented by Lydia Cook, CPA – Ray Tax Group.**

**The Financial Statement ending October 2022 was reviewed and discussed.**

**C. Mayor's Report:**

1. There will be no Regular Meeting in December.
2. Tree lighting to occur on December 3<sup>rd</sup> at MUD Park from 6pm-8pm.
3. Boat Parade – December 10, 2022 – Starts on Blue Heron
4. Meeting with Texas Parks and Wildlife – is listed as a Discussion Item.

**D. Aldermen Reports:**

1. Mayor-Pro Tem Christie – No report at this time.
2. Alderman Mitchell – No report at this time.
3. Alderman Bass – Completed repairs and projects in BV.
4. Alderman Beard – Proposed revision/addition to the Code of Ordinances, Chapter 3 entitled Building and Construction, Article 3.12.00 entitled Building Code for Commercial and Residential Bulkheads.
5. Alderman Rambin – Bus Stop

**9. ACTION ITEMS**

- A.** Consider and take possible action to open and review the bids received for the various road repairs as specified by the Scope of Work as prepared by Alderman Berkley Beard and possibly award the road repairs project contract.

**The bids received for various road repairs were opened and reviewed by the Mayor and Alderman.**

**A motion was made by Alderman Bass to award the contract for various road repairs to Fox Paving in the amount of \$51,291.00.**

**The motion was seconded by Alderman Beard.**

**Motion carried with all in favor.**

- B.** Consider and take possible action to approve including the “sound wall” at designated areas determined by the TxDot Engineers on the parameter of Bayou Vista toward Highway 6.

**The was no presentation. No action was taken.**

- C.** Consider and take possible action to propose an election to increase the Bayou Vista sales and use tax by an additional 0.25%, which will increase the total sales and use tax from 8.00% to 8.25% and to determine the allocation of the increase proceeds to the general fund.

For informational purposes: The Sales and Use Tax currently is 8.00% and is comprised of the following:

6.25% State of Texas  
1.50% City of Bayou Vista General Fund  
0.25% Street and Road Maintenance Designated Fund  
8.00% TOTAL

The above Agenda Item is to consider the possibility of raising the overall sales tax to the maximum of 8.25% and if so, the City will increase the General Fund from 1.50% to 1.75%.

**A motion was made by Alderman Bass to table this action item.**

**The motion was seconded by Alderman Mitchell.**

**Motion carried with all in favor.**

- D.** Consider and take possible action to approve the request by Sgt. J.K. Engelhardt of the Houston Police Department to authorize landing a helicopter periodically on the large lot owed by the BVVFD located at the corner of Neptune and Sailfish and to possibly operate helicopter rides for the benefit of the Annual Wounded Warriors Foundation event.

**A motion was made by Alderman Bass to table this action item.**

**The motion was seconded by Alderman Mitchell.**

**Motion carried with all in favor.**

- E.** Consider and take possible action to schedule a Special Called Meeting in January for the purpose of reviewing (3) three options concerning the issue of Short-Term Rentals with a Question/Answer portion of 15 minutes to be included on the Agenda and to occur after each presentation:

1. Deed Restriction revision.
2. Revise the existing Code of Ordinances, Chapter 7 entitled; Offenses and Nuisances, by revising a portion of section 07.09.02 entitled Residential Lot Restrictions And Development Standards to incorporate stronger language to ban Short-Term Rentals in the City of Bayou Vista.
3. Repeal existing Code of Ordinances Offenses and Nuisances, by repealing a portion of section 07.09.02 entitled Residential Lot Restrictions And Development Standards to strike language prohibiting short term rentals and hereby to provide for the regulation of Short-Term Rentals in the City of Bayou Vista.

**A motion was made by Alderman Mitchell to schedule a Special Called Meeting on January 24, 2023.**

**The motion was seconded by Alderman Beard.**

**Motion carried with all in favor.**

## **10. DISCUSSION**

- A.** Discussion concerning the information received from a meeting with Texas Parks and Wildlife with our representative, to either cancel the grant or to move forward with a revised scope of work because of the higher cost of construction.

**After a lengthy discussion between the Mayor and Aldermen it was decided that the City will move forward with the grant and the current appraisal.**

- B.** Discuss the parking lot next to Vista Realty to be used as a pickle ball court.

**More detailed information and layout will be presented as a discussion item at the next regularly scheduled meeting.**

**11. COMMENTS**

- Citizen's Comments

**A citizen commented that the Community Center parking lot is pitch dark at night and that the street sign on Tarpon needs to be replaced.**

**Another citizen commented that people who have built a pickleball court should be consulted before building one in Bayou Vista. The TXP&W grant is not for \$280,000. It is a \$140,000 match grant and the appraisal of the lot is unacceptable because of the Vista Realty sign.**

**Another citizen thanked Tom Thomas for recording the meetings.**

- Aldermen Comments

**Alderman Bass asked residents to call him if they notice any maintenance concerns within the city that need attention.**

- Mayor's Comments

**The Mayor also thanked Tom Thomas for attending and recording the council meetings.**

**The Police Chief commented that the Operation Lone Star grant had been approved which included two (2) new vehicles.**

**12. EXECUTIVE SESSION**

**A. 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 litigation; 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.

Under Texas Government Code, Section 551.087 regarding Economic Development Negotiations.

**The City Council of Bayou Vista convened into Executive Session at 8:23 PM.**

**B. RECONVENE IN OPEN SESSION FOLLOWING EXECUTIVE SESSION**

Reconvene from Executive Session into Open Session and take the appropriate action, if any.

**Executive Session closed at 9:41 PM. No action was taken.**

### **13. ADJOURNMENT**

**A motion to adjourn was made by Alderman Mitchell.**

**Alderman Bass seconded the motion to adjourn.**

**Motion passed unanimously with all in favor at 9:43 PM**

Respectfully submitted,  
Lillian Salinas  
City Administrator-Secretary

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Paula J Eshelman, Mayor

## **Lillian Salinas**

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Lillian Salinas, City Administrator-Secretary