

MINUTES  
TOWN OF BAYVIEW  
BOARD OF ALDERMEN  
DECEMBER 20, 2012

1. A Public Hearing on the Roads Project was called to order at approximately 6:30 p.m., Thursday, December 20, 2012, in the Bayview Town Office at 102 S. San Roman, Bayview, Texas.

Present were: Mayor Leon Deason, Aldermen: Tom Rodino, Garry Lowder, Ed Morris, Building Inspector Donny Curry, Town Secretary Carol DeMoss, and Carlos Barrera, Partner, with Long Chilton, LLP., Brownsville. Please see sign in sheet for additional attendees.

2. Mayor Deason led the Pledge of Allegiance
3. Mayor Deason gave an overview of the roads project including what has been completed and what remains to be done. Mayor Deason said that LVN Engineer, Eric Villarreal suggested funding saved from not paving East and West Reparo be used in supplying additional base material to E Toronja. Red Crown road will be scarified but no base is scheduled to be added. He followed by saying volunteers will place instant road repair on both East and West Reparo roads after they have had round-up applied and swept with a road sweeper to have the grass on the roadway removed. The Mayor assured everyone that none of the roads have been finally accepted and that 10% of the funding will be withheld until a walkthrough could take place and all the roads approved. He asked for Public comments and questions

Bill Hooton asked when road construction would be completed. Bob Pool asked about the washboard affect on the roads. Roger Mantony said that quality of road construction seems to have improved and that heat will help eliminate washboard effect. Garry Lowder asked Roger Mantony for input regarding a large gouge in front of Ann Mein's mailbox saying that it had to be repaired. Garry Lowder mentioned damages to easements and mailboxes. Bob Poole asked if it would take 90 days to finish Calle Conejo and Chachalaca Road. Roger Matony agreed with the Mayor saying that it would take 2-3 days. Garry Lowder suggested notifying Bob Pool when that portion of construction was underway.

Mayor Deason presented a proposed list of fourteen locations and numbers of Speed Bumps on N San Roman and asked for comments, questions, and /or recommendations from the public. See attached list.

Bob Pool said there were too many speed bumps. Garry Lowder questioned the standard distance between speed bumps. The Mayor answered 500 feet, approximately the distance used for the list with adjustments for people's driveways, and mailboxes. Bill Hooton asked "Isn't the real question how are we going to discourage people from going fast"? The Mayor reported that construction on the speed bumps will begin the first week of January.

Roger Mantony said "we can make our own" referring to speed bump extensions, using hot mix asphalt which takes about 24 hours to cure. He followed by saying that 10 tons of asphalt should complete 10 speed bump extensions. He said the town would need some machinery including asphalt rakes and asphalt shovels, a compactor could be rented.

Mayor Deason said he will contact the Road construction company to get a bid on speed bump extensions.

4. The Public Hearing was adjourned.

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1. The Regular Meeting of the Board of Aldermen was called to order.
  2. Mayor Deason invited public comments and announcements. There were none.
  3. Consent Agenda Items
    - a. Minutes of the meeting held November 29, 2012 were approved with a motion by Tom Rodino seconded by Ed Morris. All approved.
    - b. Tom Rodino made a motion to approve the November 2012 financials which was seconded by Garry Lowder. The motion was unanimously approved.
  4. Don Curry gave a status on all building permits saying the Dog Pen at the Mirthala Property was in violation. He also commented on the Boswell property. Garry Lowder made a motion seconded by Tom Rodino to approve the report and fees of \$489.75. It passed unanimously.
  5. Action Item:

Carlos Barrera, representing Long Chilton, Brownsville, discussed the 2012 Audit. Financial Highlights included net assets of \$654,620 which was a 26.4% increase from the prior year; unrestricted net assets of \$79,280 at September 30, 2012, a 94.3% increase from prior year. He noted that the town's real property tax rate is .25 per hundred dollar valuations and that the town's expenditures were \$36,274 less than the \$135,009 generated in tax and other revenues making the total fund balance of the General fund at September 30, 2012 \$72,982. He concluded by saying that \$42,328 was committed for road repairs and maintenance and \$6,461 was assigned for disaster recovery.

Barrera congratulated the Town of Bayview for securing the services of Konnie Hooton who had done a wonderful job of organizing the materials for the audit. Garry Lowder made a motion to approve the billing statement from Long Chilton for the 2012 Audit, for \$5000.00. It was seconded by Ed Morris. All approved.
  6. Tom Rodino gave an overview of moving forward to a public hearing on January 17, 2013, with changes to the ordinances establishing procedures for the Building and Standards Commission. The Building and Standards Commission is comprised of 5 members and 2 alternates and one concern has been that members of the Building and Standard Commission have been appointed by the Board and the alternates have been appointed by Mayor, said Rodino. The Mayor is appointing alternates and also bringing most of the cases before the Building Standards Commission, Rodino said. There have also been concerns that there is almost an identical make-up of the Board of Aldermen and, Building and Standard Commission, said Rodino. He went on to recommend that no more than 2 aldermen be on the Building and Standards Commission. Rodino stated that the Board had designated the Mayor to select the cases and some cases had been selected by the Building Inspector. Rodino said that there is now a Plumbing Inspector and all three, Mayor, Building Inspector, and Plumbing Inspector, should be able to select cases. He concluded by saying the alternates will be appointed in the regular method as the members.

Garry Lowder clarified that had been discussed with the lawyer and the lawyer recommended the changes.

Tom Rodino agreed saying that the question had come up and the attorney initially said no problem but after working with it for a year suggested the change.

Mayor Deason commented that it is not clear how the Building and Standard Commission are going to select new members and reminded everyone that none of the changes discussed can go into effect until August. The Mayor suggested that in July, people that want to be on the commission should be given a chance to submit their name for consideration, be interviewed by the board, and then voted on by the Board. He said there should not be an absolute limit of board members on the Commission. Finding people that will put forth the effort and actually do the job will be hard, stated Mayor Deason.

The Mayor said positions should be opened up to the community. New members should take an oath to uphold the ordinances and sign a conflict of interest statement excluding them from voting on any items in which they are affected by financial considerations.

In the past when cases were brought to the Building and Standards Commission we have had advice from the lawyer which has kept us out of some problems said the Mayor. He stated that the Building Inspector make case recommendations pertaining to permit infractions to the Mayor, the Mayor take the information to the lawyer; the lawyer advises the Mayor who will then contact the person and as a last resort take the infraction to the Building and Standards Commission.

A motion to move forward with the proposed changes to the Building and Standards Ordinance 2011-5a at a public hearing on January 17, 2012 was made by Tom Rodino with a second by Garry Lowder. It passed unanimously.

7. Discussion and approval or rejection of moving forward to a public hearing on January 17, 2013 for possible annexation of 20 acres on Calle Hermosa owned by Mr. & Mrs. Kirkconnell was tabled as Mr. Kirkconnell was out of town and had not signed the necessary paperwork to go forward with the annexation.
8. Approval or rejection of statements of expenditures from the Building and Standards Commission was discussed by Mayor Deason saying he would like more coordination between the Building and Standards Commission and the Town Office. He stated, the last notice put in the paper the office had nothing to do with the Town Office and a bill came in for \$280. Tom Rodino suggested a checklist because of confusion from the County and the newspaper. The Mayor recommended bringing items that need to be posted to the office to improve coordination.
9. Authority for determination of burn permit infractions was discussed by Mayor Deason saying those in violation should be brought before the Building and Standards Commission. Tom Rodino said there is an ordinance and those in violation can be charged a \$500 fine. Tom Rodino followed by saying that all of the rules are listed on the website. The Mayor suggested a form designed to be given to those committing infractions stating that they are in violation and must appear before the Building and Standards Commission.
10. Eminent Domain Authority for the Town of Bayview was discussed by Mayor Deason. The Town Office had received a form from the Susan Combs and the Office of Texas Comptroller of Accounts requesting a reply (by December 31, 2012). If signed and returned it indicated the Town of Bayview reserves the ability to utilize eminent domain in the future. The Mayor stated his dislike for the ideals of eminent domain but explained that the Town of Bayview could take no action, if the form was not signed and submitted. He said if someone had a house that is falling down and there are people living in there, without signing the form and submitting no action could be taken. Tom Rodino said unless action is taken now we are denying the opportunity for the Town of Bayview to take action should it be needed in the future. Ed Morris said we need to be prepared. The Mayor stated that he will sign and submit the form.

11. Reports:

- i. Tom Rodino reported on Emergency Management saying that the Town is up to date on all of our filings. He also stated that the Federal Communications Commission is mandating narrowband radio communication systems which literally cutting radio bands in half to find more public frequency. Because of this we occasionally accrue some minor charges of \$3 – \$4 payable to the Lower Rio Grande Valley Development Council.
- ii. Tom Rodino reported on the Building and Standards Commission saying that they have filed one case with the County against the Brownsville Anesthesia Consultants of Brownsville.
- iii. Citizens concerns

(1) Mayor Deason reported that a citizen called Sheriff about persons shooting automatic rifles and pistols on property on 510. Sheriff did not respond. Resident called the office three days later at which time the Mayor advised him to contact the Constable.

(2) Mayor Deason stated that a resident had called about a cattle chute that was moved onto the W Resaca, causing holes and breaks in the road surface. He further reported that after examining the damage and speaking with the Road Construction crew, the contractor had agreed to patch the damage at no cost to the Town.

(3) The Mayor stated that the Kirkconnell property on Calle Hermosa had been issued the Town of Bayview address of 201 Calle Hermosa. The former address was one of the County.

9. At 8:30 the meeting adjourns into Executive Session as authorized by Subchapter D Chapter 551 of the Local Government Code to discuss pending or contemplated litigation and legal matters of the Town.
10. Upon conclusion of the Executive Session the Regular Meeting of the Board was again called to order.
11. No action was required from any items or motions brought forth from the executive session.
12. The meeting was adjourned at 9:00pm.

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Carol De Moss, Town Secretary