

MINUTES, BOARD OF ALDERMEN
January 24, 2013, 6:30 P.M.
102 S. San Roman, Bayview, Texas

A Public Hearing on Proposed Amendments to the Procedural Rules Ordinance of the Building and Standards Commission of The Town of Bayview was called to order at approximately 6:30 P.M., January 24, 2013. Present were: Mayor Leon Deason, Aldermen Garry Lowder, Tom Rodino, Mark Mullendore, Ed Morris and Building Inspector Donny Curry and Town Secretary, Carol DeMoss. Please, see the attached sign-in sheet for a complete list of attendees.

1. The Pledge of Allegiance was led by Mayor Deason.
2. Mayor Deason announced the public hearing on Changes to the Procedural Rules of the Building and Standards Commission and invited Alderman Tom Rodino to speak. Rodino reported that the original ordinance, appointing the Building and Standards Commission members, was written by the Town Attorney. The Town Attorney has consequently advised changes, to alleviate any appearance of any impropriety. Rodino stated previous Building and Standard Commission alternates were appointed by the Mayor and that the Building and Standards Commission members are currently made up of the Board of Alderman. Proposed changes to the ordinance will be that only two members of the Board of Aldermen will be able to serve on the Commission as members or as alternates. The candidates could be recommended by the Mayor, Aldermen, or, a candidate could volunteer. The Mayor will continue to be designated to present cases to the Building and Standards Commission and can if needed appoint another person when applicable to present cases to the Building and Standards Commission. Mayor Deason said that an ordinance cannot be changed without apprising the public of what is taking place. Mayor Deason reiterated none of the proposed changes will take place before August. He said that this item has been on the agenda for the last three meetings.

I think that the way this will work commented the Mayor, is probably starting August 1-16 anyone wishing to serve should submit their name to the office The Board can interview them, and vote at the August 22nd meeting. Regarding Section 4, the Mayor stated I think the point is well made that we only have two board members on the commission. I think that possibly you will have difficulty finding five other people putting forth the effort and the time unselfishly. Ron Heinz suggested the item be tabled until the community had a chance to view the proposed changes. The Mayor mentioned having a public hearing in August to interview potential candidates for the Building and Standards Commission and asked that the proposed changes be sent to the community via email. Regarding candidates, Janice Silveri mentioned that a time requirement be given. Tom Rodino said there is a substantial amount of administrative work. Bill Hooton volunteered to serve on the Building and Standards Commission. Mayor Deason stated that the Building and Standards Commission has been a very good thing for the Town of Bayview, that with it comes enforcement but there should be a rule regarding members missing three consecutive meetings. Tom Rodino agreed saying if a person misses three consecutive meetings they will forfeit their position as is the case with the Board of Aldermen positions.

The Mayor requested the City Secretary to post the proposed changes on the website.

3. The Public Hearing was adjourned at 6:50 P.M.
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1. The Regular Meeting of The Board of Aldermen of The Town of Bayview Texas was called to order.
 2. Public Comments and Announcements were invited by Mayor Deason. Janice Silveri reported two horses and a dog on the Cynthia Bergandahl property at 114 W. Resaca had been neglected. Silveri stated that

she had contacted the Constable. Eventually the horse was removed and taken to a veterinarian. The horse had to be euthanized. Ramon Guzman said he had spoken with Jamie Farias, husband of the property owner, who had said he was tending the animals but it was noted by Guzman that water containers were empty and the animals were wasting away. Janice Silveri had located a group, Bluebonnet Equine Humane Society, who is set up to help with neglected and abandoned animals and suggested contacting the organization in the case of future issues.

3. Approval or Rejection of Consent Agenda items:

- A. Minutes of the December 20, 2012 were approved with a motion by Garry Lowder that was seconded by Ed Morris. All approved. Mark Mullendore abstained from voting as he had been absent at the December 20th meeting.
 - B. Mayor Deason said that there was an Ad Valorem cash balance on 1/22/13 of \$285,925.87. Balance on road contract was \$237,563.20 which leaves an unencumbered balance of \$48,362.67. The Mayor continued by saying we are now paying 5.6% interest on the loan with a balance of over \$300,000.00. It was his suggestion, to the board, that we pay a percentage, or possibly half of the \$48,000, around \$25,000, on the principal ~~on~~ of the loan at this time or the next month or two. If we pay \$25,000 he reported, it will leave us approximately \$18,000.00 in our Ad Valorem account and \$6,400.00 that is in the Disaster Recovery for a total of \$24,000.00. We paid \$84,000.00 almost 25% one month after we borrowed the money stated the Mayor. The payment will be out of this year's budget. There was no action regarding the payment taken at this time and December 2012 Financials were approved with a motion by Tom Rodino that was seconded by Mark Mullendore.
4. Building Inspector Donny Curry reported the Boswell's permit is in good standing but will need to renew as it will expire March 19th, 2013. There have been no changes at the Mirthala property. The permit for Grady Deaton's Sea Wall will expire next month and Ernie Farmer has not completed his fencing project. Ken Jaeger had violated a work order that expired on the 10th of the month. Donny Curry reported that Ken Jaeger has three violations: one, as a homeowner paving to the driveway; two: acting as a contractor and three, as a homeowner working with a stop work order in place. The Carlson permit has been worked out and will close out in the February building report. Fees of \$432.00 were approved by a motion from Mark Mullendore and a second from Ed Morris. It passed unanimously.
 5. Mayor Deason read a letter of resignation from Alderman Jim Stewart dated January 30, 2013, asking to be removed from Place 2 of the Board of Aldermen and from the Building and Standard Commission. It was accepted with a motion from Garry Lowder and a second from Ed Morris and passed unanimously.
 6. A motion from Tom Rodino was seconded by Mark Mullendore stating the proposed Changes and Amendments to the Procedural Rules of the Building and Standards Commission as written be tabled until the February meeting, so that the public can have time to view the proposed changes. All approved.
 7. The Mayor announced that a proposed General Election will take place on May 11 for Mayor, four year term, Alderman place one (1), place four (4) and place five (5), for four year terms and Alderman place two (2), for the unexpired three year term. The May 2013 Election Calendar was approved with a motion from Tom Rodino which was seconded by Garry Lowder. All approved. The Mayor continued saying the first day to file for a place on the ballot will be January 30, 2013 and the last day to file for a place on the ballot will be March 1, 2013. This will be posted on the website.

8. A statement from The Rentfro Law Office in the amount of \$2806.71 was approved with a motion by Tom Rodino which was seconded by Garry Lowder. All approved.
9. Mayor Deason reported attending a January 17, 2013 meeting regarding De-Watering Partners dumping of effluents in the Arroyo Colorado. He stated that the Rio Hondo Board had authorized the dumping in 2008. He said as long as the company abided by the contract the contract could not be broken. Tom Rodino stated that Rio Hondo has an existing wastewater plant that is permitted to dispose of 400,000 gallons of treated wastewater a day. Currently they are doing less than half of that he said. The company still has to get an authorization from the state to operate their facility. The Mayor said "We don't need to approve the resolution or disapprove it. There are already more than 27 companies dumping". Tom Rodino proposed that no action be taken by the Board of Aldermen and Mark Mullendore seconded. All approved.
10. A roads project update ^{with} was given by Mayor Deason saying that Bayview Roads are progressing. He reported having a meeting with contractors earlier in the morning and was told that Red Crown, East Toronja, North Chachalaca and Calle Conejo will be ready for inspection by 4:00 P.M. the following Monday afternoon with the rest of the roads completed by Friday, February 1, 2013. The Mayor continued stating that the contractors have asked for payment. He reported the funding will be released when the roads are improved and there will probably be a prorated payment schedule. Their bond is one-hundred percent of the whole project. Anytime within a year after the project if these roads start falling apart we can file a letter to their bond company and tell them we want them to repair it. The Mayor reported meeting with Mari Galvan with Cameron County regarding an inter-local agreement between Cameron County and the Town of Bayview to improve Calle Hermosa by filling pot-holes with caliche and a surface oil treatment which will help to cut the dust. Sixty percent of Calle Hermosa is located in the county. Probably we will have a special meeting to adopt this. The estimated cost for the County is \$2257.89 and \$1505.00 per year for Bayview. The Mayor suggested proposing the county to do this for the next three years then pave it.
11. Reports
 - A. Alderman Tom Rodino Emergency Management reported that the Town of Bayview is up to date on their certifications. The Mayor mentioned that there are still people burning without permits.
 - B. Tom Rodino reported that Susan Heinz is the new secretary for Building and Standards Commission.
 - C. Regarding Citizens Concerns: Mayor Deason discussed the emaciated horse mentioned earlier by Janice Silveri saying that when the horse first discovered the Constable should have been called immediately and if need be taken by the hand to cite the people. It is a felony to leave a dog or horse abandoned he continued. The Mayor recommended not doing anything to the animals but citing the people. If the Constable will not do anything I will go to the district attorney said the Mayor who then asked Silveri if it was the Bergandahl's or Capistrano's property. I want to see these people cited. If these people pay \$1000 a day they are not going to let these animals starve said Mayor Deason. Tom Rodino brought up the animal control ordinance from the Town of Bayview. The Mayor said of enforcement if they go out and see the mistreatment of animals and do nothing they are not doing their job. The other thing that could happen is if you take the constable and he does nothing then you go to the district attorney. The county has the authority to do something about this but will not. I applaud you for trying to save the animals but you have to make the people responsible he stated.
12. The Regular Meeting of the Board of Aldermen adjourned with a motion by Mark Mullendore and a second by Ed Morris. At that time the Board of Alderman went into an Executive Meeting as authorized by Subchapter D Chapter 551 of The Texas Local Government Code to discuss pending or contemplated litigation and legal matters of the Town.

13. The regular meeting of the Board was called to order.

14. There were no action items or motions brought forth from the Executive Session.

15. Adjournment

/s/ _____
Carol De Moss, Town Secretary: