

**MINUTES OF THE REGULAR MEETING  
TOWN OF BAYVIEW, TEXAS  
Held at  
102 S. San Roman, Bayview, Texas**

**June 20, 2013, 6:30 P.M.**

1. The regular meeting of the Board of Alderman of the Town of Bayview Texas was called to order, June 20, 2013, at 6:30 p.m. at the Town Office, 102 S. San Roman, Bayview, Texas.

Present were: Mayor Tom Rodino, Aldermen: Gary Lowder, Mark Mullendore, Ed Morris, Bill Hooton, and Aldermen-elect: Leon Deason and Scott Stachowiak.

2. The Pledge of Allegiance was led by Mayor Rodino.
3. Mayor Rodino welcomed everyone in attendance and asked if there were any public comments or concerns to be made. Barbara Creighton raised concern that Grady Deaton, who was on the list of potential candidates for the Building and Standards Commission, was not a citizen of Bayview. Mayor Rodino noted that the matter was an action item for the meeting and that her concern would be addressed at the appropriate time in the meeting.

**ACTION ITEMS:**

1. Old business (carried forward from previous meetings) – there was none.
2. New Business:

Mayor Rodino canvassed the run-off election with the results as follows:

Alderman Place 4 – Scott Stachowiak 73 votes, Roger McCord 23 votes

Alderman Place 5 – Leon Deason 50 votes, Reuben Trevino 46 votes

The Aldermen-elect Scott Stachowiak and Leon Deason then signed the Statement of Officer and Mayor Rodino issued their Certificates of Election.

Susan Heinz, Town Secretary, then administered the Oath of Office to Scott Stachowiak and Leon Deason. The new Aldermen then assumed their positions on the Board and Ed Morris was thanked for his years of service.

3. Approval of the Consent Agenda:
  - a) Minutes of Town Meeting(s) of May 23 and May 28, 2013
  - b) Financial Reports for Month ending May 2013
  - c) Building Inspector Report and Fees for June 2013
  - d) Payment of current billing from the Rentfro Law Firm in the amount of \$512.50

Mayor Rodino asked that the Consent Agenda be approved all together. Alderman Deason felt that the building inspector report and the billing from Rentfro Law Firm needed to be pulled out

and reviewed before approval. A report was given by Clifford Rowell for completion of a garage built at 138 Calle Hermosa, his fee of \$193.88 was approved. Clifford reported that Donny Curry had not been able to inspect due to an injury and that he would be following up on Donny's inspections for the next month. The Rentfro law firm billing in the amount of \$512.50 was presented with no objections. Mayor Rodino then asked for a motion to approve the consent agenda. Alderman Lowder made the motion with a second by Alderman Hooton. Motion passed.

4. Next item of business is to appoint three new members to the Building and Standards Commission to replace Jim Stewart, who resigned, Cindy Ebbess who moved from Bayview and Tom Rodino who had to step off of the board due to his election as Mayor. The terms expire in August 2013 and then the entire Commission will be up for reappointment. There were seven citizens interested in serving on the Commission: Barbara Creighton, Grady Deaton, Rebecca Hoffpauer-Adams, Mark Kerney, Jeneria Lewis, Roger Mantony and Janis Silveri. Mayor Rodino asked the candidates present to speak about why they were interested in being on the Building and Standards Commission. Barbara Creighton feels that the Commission should be made up entirely of citizens with no Board members. Alderman Deason stated that this Commission was not planning and zoning, but for the enforcement of Ordinances as written. When the Commission is reappointed in August, there will be no more than two (2) members of the Board of Alderman sitting on the Commission as prescribed by the current ordinance. Rebecca Hoffpauer-Adams has been a long-time resident of Bayview and cares about the Town but she is now a part-time resident whose property is for sale. Mark Kerney was not present; he has been involved with the development of the golf course in Laguna Vista and has been in the area a long time. Jeneria Lewis stated that she garnered close to half the votes in the Mayoral election and wanted to represent the citizens and make sure the Ordinances are accurately interpreted. Roger Mantony was not present, Alderman Lowder stated that Roger has been in construction for many years and would be a prime candidate, and Mayor Rodino noted that he had been a very active participant in Town road repairs and other activities. Janis Silveri moved here in 2004, after 31 years active duty in the military and she had been Town Secretary for several years. She is familiar with the Ordinances and feels she can be an asset to the Commission. Mayor Rodino asked if there were any last minute volunteers, Mike James stated that he would like to volunteer. He lives in Madison Grove and has lived here for two years and would like the opportunity to participate. There were no other volunteers. The Board then voted for two members of the Commission with one Alternate. Mayor Rodino stated that the new members of the Commission will be sworn in similarly to the Aldermen and Town Secretary. There was some discussion about the duties of the Building and Standards Commission. The newly elected members of the Building and Standards Commission are: Barbara Creighton, Roger Mantony, regular members; and Jeneria Lewis, Alternate. The new members will be sworn in at the next meeting of the Commission.
5. Approval or rejection of adding the Town Secretary to the Town's debit card subject to pre-approval of the Mayor with a limit of \$250 for small purchases. Alderman Deason voiced some concern, stating that we would need to change our banking policy. This action was deferred until July so that Mayor Rodino would have time to check into the banking policy.
6. Approval or rejection of a Town policy that any fees collected must be made by check or money order, and cash payments will not be accepted, if cash is accepted a petty cash fund must be established. Mayor Rodino stated that we are trying to avoid the necessary tracking of a cash fund. Alderman Hooton made a motion that we approve this, no longer accepting cash for payment of fees. Motion was seconded by Alderman Lowder. Motion carried.

7. Approval or Rejection of unbudgeted expenses. Mayor Rodino asked for a more suitable, lockable desk for the Town Secretary. In the long term maybe some new computer equipment. Mayor Rodino also wants new tables for the Board, as well as chairs, asking for an approval of a total cost not to exceed \$700.00. Alderman Deason stated he was for a new desk for the secretary, but he was not for replacing chairs, since they are only used 2 hours per month. Alderman Mullendore stated that he didn't feel we needed new furniture either. Alderman Lowder was for a new desk for the secretary. Alderman Hooton stated that the tables were an embarrassment and probably needed replaced, chairs are ok, and he stated we needed a locking desk for the secretary. The Board decided on two replacement folding tables and a new desk for the secretary. Alderman Lowder made a motion to accept an unbudgeted amount of \$450.00 for two new folding tables and a desk for the secretary, motion was seconded by Alderman Mullendore. Motion carried.
8. Referral to the Building and Standards Commission for property owned by Dennis Franke. Mayor Rodino stated that after a tree fell in the ROW on the Franke property, phone calls were made and a letter sent. The tree was not removed, then the Town hired Justin Shafer to remove the tree for the amount of \$150.00. Mayor Rodino wants to refer Mr. Franke to the Building and Standards Commission to fine habitual violators. Alderman Deason asked if the bill has been paid. Mayor Rodino stated that he has not been billed as yet. Mayor Deason stated that the letter sent to Mr. Franke stated that if he refuses to pay the cost of the tree removal, then at that time the case would be subject to fine and referral to the Building and Standards Commission. Mayor Rodino wanted him sent to the Building and Standards Commission for a fine. Alderman Hooton felt that we should abide by the terms of this letter and possibly in the future, consider levying a fine. All agreed. The action failed for lack of a motion.

#### **DISCUSSION ITEMS:**

1. Elders, Paul Villas and Ron Urhammer, from the Cornerstone Church in Laguna Vista, gave a presentation concerning the conversion of the Madison Grove Sports Center into a church and school. Barbara Creighton stated that the presentation was not being made to ask permission, but simply as information concerning what she would like to see happen with the Community Center. The Madison Grove subdivision has relinquished their rights to the use of the facility and the ownership of the facility is Barbara's. Paul Villas pleaded his case that the use of the community center will not change, it will still be a 'community' center, but the community would be the Cornerstone Church. Mr. Urhammer addressed the questions posed by Mayor Rodino as follows:
  - a. Description of how the Sports Center would be converted: The building is now owned by Barbara Creighton and the church would need to reconfigure floor space. They need 5 classrooms and an office, and conference room to accommodate the Laguna Madre Christian Academy. Multi-use full kitchen, nursery for the church. The church will need a sanctuary, office, foyer, conference room and fellowship area. Current plans are to keep the gym intact for multi-use with the Christian Academy.
  - b. Number of persons you expect to accommodate: The building can accommodate as many as the fire code allows. There are approximately 80 church members, Laguna Madre Christian Academy enrollment is 40-50 students.

- c. What, if any, additional facilities would be constructed: The parking lot would need to be expanded to meet the needs of the Church and they would install a barrier on the south side to separate the neighborhood from the church complex. Additional gates will be installed for exit on Ted Hunt Road to accommodate ingress and egress of the church and school. Alderman Hooton asked about the additional gate on Ted Hunt to clarify that there would be no additional traffic going through the subdivision. Mr. Urhammer stated that was the case, all church and school traffic would use Ted Hunt, with no access to the complex through the Madison Grove Subdivision.
- d. How the church and school fit into the single-family residential subdivision that has been platted: Mr. Urhammer feels the permitted usage of the church and school would fall under the original usage of the community center. This also answers how the proposed use would mesh with the current zoning and land use rules.
- e. How you are addressing the concerns raised by some of the Madison Grove residents, including those related to traffic and noise concerns: They have one documented concern for noise and traffic. All of the traffic will enter and exit from Ted Hunt and they will install a barrier on the south side of the property. Mr. Urhammer stated that he thought Barbara had taken a survey and Barbara stated she had spoken with most of the owners. She stated that she had only received one email stating that the citizen didn't object to the church and school as long as he/she didn't have to hear it or see it. The Elders of the Church and Barbara seem to think this can be taken care of with the barrier wall and possibly the planting of fast growing trees.

There was discussion among the Board members, with concern about zoning and legal issues. Mayor Rodino thanked the Elders for their presentation and recapped that the Town did need to check the legal ramifications and zoning issues before any decision could be made. Mayor Rodino asked them make a formal request to the town, in writing, with all of the plans for the complex so the town can then consult with legal counsel.

- 2. **ROW Maintenance:** Mayor Rodino spoke about the routine right of way maintenance. Mayor Rodino and Alderman Hooton have driven around the Town checking on the ROW issues. Property owners are responsible for keeping the ROW clean, however, it is difficult when the property owner does not live here. Alderman Hooton stated that property owners really need to take care of their own ROW, weeds, trash, and overhanging trees. We need to beautify Bayview. Alderman Hooton is working on some proposals regarding this issue; he stated that what really needs to happen is consistency, everyone gets treated the same, fairness is important. Mayor Rodino stated that a follow up with Allied Waste was needed to make sure they get back on their usual schedule. If a homeowner does not have a contract with Allied Waste, then the brush piles will not be picked up without a fee.
- 3. **Citizen Concerns:** Overgrown corners and aerial crop spraying. If a citizen sees a corner that is a safety hazard due to the overgrowth, let the Town Secretary or the Mayor know and an attempt will be made to get the owner to clean it up. There is nothing the Town can do about the aerial spraying. They are not supposed to spray over homes. Robert Lewis stated that the spraying company can give the homeowner a spraying schedule, if requested.

**4. Reports:**

Building and Standards Commission: Alderman Lowder stated there was nothing to report and thanked all of the nominees interested in serving and congratulated Barbara, Roger and Jeneria.

**Emergency Management:** Mayor Rodino addressed the working flood maps for Cameron County, stating the levee systems have not been certified in the area for many years. Bayview elevation is fairly high, so no flood worries. Mayor Rodino recapped Hurricane Evacuation information and mentioned that we had booklets available concerning Hurricanes. He also talked about the current drought situation.

**Road repair:** Mayor Rodino and Alderman Hooton met with the Town's Engineer and the contractor on Monday. High and low spots have been marked. The contractor has received approval from the Engineer to begin repair work on North San Roman Monday morning, June 24. The contractor has stated that they will be finished in 3 weeks, after that a determination will be made whether or not to accept the roads as repaired or get the bonding company involved.

5. The regular meeting of the Board of Alderman was adjourned at 8:15 p.m. The Board then went into Executive Session as authorized by Subchapter D of the Open Meetings Act for discussion of legal matters (Section 551.071) and personnel matters (Section 551.074)

**Resume Open Meeting:**

1. The regular meeting of the Board of Alderman resumed at 8:40 p.m.

Mayor Rodino stated that there was only one action item as a result of the Executive Session which was the performance review for the Town Secretary, with a pay increase to \$15.00 per hour. Alderman Mullendore made a motion to continue the employment of Susan Heinz as Town Secretary as well as a pay increase to \$15.00 per hour, effective immediately. The motion was seconded by Alderman Hooton. Motion carried.

The Regular Meeting of the Board of Alderman adjourned at 8:45 pm.

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Tom Rodino, Mayor

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Susan Heinz, Town Secretary

