

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

July 18, 2013, 6:30 P.M.

1. The regular meeting of the Board of Alderman of the Town of Bayview Texas was called to order, July 18, 2013, at 6:30 p.m. at the Town Office, 102 S. San Roman, Bayview, Texas.

Present were: Mayor Tom Rodino, Aldermen: Garry Lowder, Bill Hooton, Scott Stachowiak, and Leon Deason, and Town Secretary, Susan Heinz.

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. He reminded those present that the Board was not allowed to comment, discuss or make any type of decision regarding the comments. Teresa Mackara, Treasurer of the Madison Grove HOA expressed concern about the proposed church and school at the Madison Grove Community Center. She requested that the town please postpone making a decision regarding the proposed church and school until other issues are resolved between the HOA and Ms. Creighton. Ed Nuss, who lives in Bayview Palms, expressed his discontent with the condition of the road into Bayview Palms and stated that no maintenance has been done on that road. Alderman Deason made a request of the town to try and eliminate any standing water around their property due to the recent rains, in an effort to keep down the mosquito population.

Action Items:

Old Business (matters carried forward from a previous meeting or meetings):

4. Approval or rejection of adding the Town Secretary to the Town debit card for small purchases. Mayor Rodino is proposing to update the Banking Policy, stating that the secretary is already authorized to use the card for on-line purchases, but Mayor Rodino would like for the Secretary to have a debit card in her possession for small purchases, such as trips to the post office to avoid having to reimburse her with a check. Alderman Deason expressed his concerns regarding the Town Secretary having a separate debit card in her name, stating that if the card was in the name of the Secretary, it would automatically grant her unlimited authorization to use the card. Mayor Rodino wants a duplicate card, with the Mayor's name and Town of Bayview, if the bank will allow. Alderman Lowder suggested that we check with the Bank if they will allow a duplicate card with the Town of Bayview, not a separate card with the Secretary's name. A new Banking Policy will be drafted for the next meeting in August. No other action.
5. The matter of an unbudgeted expenditure for a new desk for the Secretary was put on hold. Mayor Rodino stated that our first round of shopping had not produced an acceptable desk within the budgeted amount. We are checking into some other sources of used furniture and Susan

mentioned that Alderman Lowder had sent a link advertising a used desk, which we will be checking into. Alderman Deason expressed concerns that a desk with drawers would be a lot more expensive and that we do have file cabinets.

New Business:

6. Approval of the Consent Agenda: Minutes of the Town Meeting of June 20 and the financial reports for the month ending June 30, 2013, current billing from Rentfro Law Firm in the amount of \$362.50, as well as billing from True Solutions in the amount of \$101.89. Alderman Lowder made a motion that we approve these items a, b and d in the consent agenda. Alderman Hooton seconded. Motion Carried.

Donny Curry then gave his building inspection report. He mentioned that Grady Deaton has a new permit for his seawall, Stop Work is still in effect on Ken Jaeger. Donny reported on the pool at 113 San Jose and that the same swimming pool contractor is putting in a pool on Centerline. Donny's concern is that the pool contractor does not feel he is responsible for putting in the fencing and gates required in the Bayview ordinances. The contractor feels that is the homeowner's responsibility. Donny cannot pass the pool without the proper fencing and gates. Mayor Rodino stated that the Town is going to have to look more closely concerning the liability/responsibility of the Town since the fencing is not installed. We will ask the Town Attorney to advise us regarding our responsibilities in this matter. Building Inspector fees for Cliff Rowell in the amount of \$372.65 were approved with a motion by Alderman Deason and a second from Alderman Stachowiak. Motion Carried.

7. Discussion of possible action on a Proposed Oath of Office for all town officials and appointees. The oath would replace the standard oath Form 2204 published by the Secretary of State. The Oath Form 2204 is specified in the Texas Constitution. Mayor Rodino expressed his thoughts about whether or not we can make changes to the state form. The wording needs to be changed from Charter and Ordinances to Law and Ordinances, as the Town of Bayview does not have a Charter. Mayor Rodino deferred to David Irwin, Town Attorney, as to our adding a line to this Form 2204, and if we would still be within the law. We will draft a new Oath form, approved by our Attorney. The motion to approve amending this form, subject to approval by the Town Attorney, was made by Alderman Hooton and seconded by Alderman Lowder. Motion carried.
8. Approval of two actions regarding outdoor burning. Mayor Rodino stated that we have a new telephone number for calling the Los Fresnos Fire Department. Also, our current permit states that it expires on Sunday evening, and the Town Secretary suggested that the permit be valid for a period of 7 days from the date of issuance. A motion was made to accept these two changes in the burn permit by Alderman Stachowiak with seconds by both Alderman Hooton and Alderman Deason. Motion carried.
9. Approval of the Town becoming a member of the Valley Proud Environmental Council. The Town Secretary researched to see if we were currently members, we are not, but did find that we were in 1995. There was discussion among the Board as to if there were any benefits to the Town to be a member. It was determined that there was really no benefit for the Town to be a member so the decision was made that we not join. Motion denied.

Discussion Items:

10. The possible elimination of Fireworks Ordinance 2004-005-020 which prohibits aerial fireworks within the Town of Bayview was discussed. Alderman Stachowiak presented his objections to the ordinance and gave his reasons, expressing his concern that the ordinance was not available on our website and was not really enforceable. Alderman Stachowiak had checked with neighboring towns with fireworks ordinances and stated that their ordinances were not available on their websites either, but he also mentioned that the other towns had the ability to police their ordinances, and that we do not have that ability. Alderman Stachowiak feels our town is sparsely populated enough that the use of aerial fireworks does not pose that great of a threat, any more than fireworks on the ground, unless there is a burn ban in effect. Alderman Deason stated that he feels the fireworks would violate the Noise Ordinance after 10:30 p.m. The feeling of the Board is that the Fireworks Ordinance is unenforceable and an extra ordinance on the books, and that the Noise Ordinance could be amended to address fireworks. There would need to be a public hearing regarding any possible changes to either the Fireworks Ordinance or the Noise Ordinance. Alderman Hooton stated he was not in favor of having a bunch of ordinances that we cannot enforce, such as the Fireworks ordinance. Mayor Rodino asked the Board if they wanted to put the repeal of the Fireworks Ordinance and the Amendment of the Noise Ordinance on the August Agenda as an action item. A public hearing will be scheduled and posted on the website.
11. Mayor Rodino reported on the status of the road work. Progress was being made before the recent rains. Some areas on N. San Roman, Chachalaca and Mockingbird have been resurfaced. Low spots have been identified after the recent rains and will be fixed in the coming week. Then entire length of San Roman, Chachalaca and Mockingbird will be resurfaced. After completion the speed humps will be installed. Alderman Lowder asked Roger Mantony his opinion of the quality of the work they are doing as he has experience in the area. It was mentioned that some of the surfaces were quite soft and that the trash trucks were already making ruts. Alderman Lowder expressed concern about the equipment the road contractor was using, that it was inadequate. Mayor Rodino stated that the Bonding Company has been put on notice, and this is the last chance for the contractor to make the roads acceptable.
12. Mayor Rodino updated the community on the proposal for converting the Madison Grove Community Center into a church and school. The Town has received comments from some of the residents and we will release information as we get it.
13. Mayor Rodino stated that there was a hearing scheduled for July 23.
14. The current lease agreement with the Girl Scouts was discussed. We are working on developing a new lease with the Girl Scouts as we no longer have an actual lease, we are month to month, and Mayor Rodino does not feel that affords us any good level of security. The new lease will be approved by our attorney.
15. Right of Way maintenance, overhanging trees and brush piles. Some of the people who have been notified that there was a problem with the ROW have been working on cleaning it up. Alderman Deason mentioned that there was still an issue with the ROW at S. Valencia and Calle

Hermosa, there is a dead tree and tall weeds. The town will be contacting Shafer Property Management to clean up this corner and then a bill will be sent to the property owner.

16. FY 2014 budget planning process is underway. The budget calendar from TML has been received. There has been one meeting with Konnie Hooton, Alderman Deason, Susan Heinz and Mayor Rodino. An effort will be made to have the budget ready and a public hearing by the August BOA meeting. Notices for public hearing will be on the website.
17. Citizen concerns about vegetation encroaching on the roads. The town will contact Justin Shafer to take care of some of the issues, and we will contact Joe Lee Bryant to spray.

Reports:

18. Alderman Lowder stated that there was nothing to report from the Building and Standards Commission. Mayor Rodino updated the Town on Emergency Management and flood mapping issues, stating that the flood maps were still not up to date. Mayor Rodino will be attending a meeting concerning evacuation routes and emergency issues should a hurricane strike our area. Mayor Rodino talked about the new electric transmission lines coming through Cameron County. None of the transmission lines will run through the Town of Bayview.
19. The regular meeting of the Board of Alderman was adjourned at 7:30. The Board then went into Executive Session as authorized by Subchapter D of the Open Meetings Act for discussion concerning Consultations with Attorneys (Section 551.071) and Deliberations about Real Property (Section 551.072)

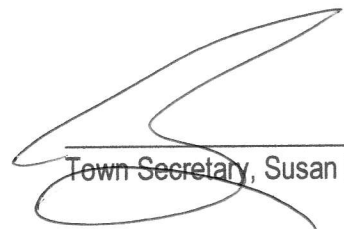
Resume Open Meeting:

20. The regular meeting of the Board of Alderman was reopened at 8:30 p.m. There were no action items to report as a result of the Executive Meeting.

Mayor Rodino asked for a motion to adjourn the regular meeting. A motion was made by Alderman Deason with a second by Alderman Lowder. The meeting was adjourned at 8:32 p.m.



Mayor, Tom Rodino



Town Secretary, Susan Heinz