

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

October 21, 2013

TOWN COUNCIL MEETING

1. The regular meeting of the Board of Alderman of the town of Bayview was called to order, October 21, 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, Mark Mullendore and Leon Deason; as well as Town Secretary, Susan Heinz, and Town Attorney, David Irwin.

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.

Ron Heinz thanked the volunteers who cleaned up the growth on W. Resaca and expressed his regret for not being able to be there to help.

Evon Nuss also commented on the road clean-up project stating that she was very impressed with all involved in the project and that there were so many people who cared about the community.

The Executive Session was moved to the end of the meeting.

Action Items:

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

There was no old business carried forward.

New Business:

1. Approval of the Consent Agenda:
 - a. Minutes of the Town Meeting(s) of Sept 19, Sept 30 and Oct 7.
 - b. Financial reports for month.
 - c. Building Inspector Report and Fees in the amount of \$109.00

- d. Payment of the billing from the Rentfro Law Firm dated September 16 and October 16 totaling \$2,458.75
- e. Payment of current billing from TML Intergovernmental Risk Pool in the amount of \$1,451.26
- f. Payment of contribution to Lower Rio Grande Regional Water Authority in the amount of \$10.85.

Alderman Deason questioned the financial report, regarding the loan payment that is due. Konnie Hooton stated that we just got the invoice in the amount of \$97,693.58. Alderman Deason then asked about the projected balance in our account after making this payment as well as final payment to FJW Construction. There was a question concerning construction at the Keller residence, the construction is sea wall repair and dock construction, no permit needed. Alderman Deason also expressed his feeling that the billing from TML should not be in the consent agenda and asked about the errors and omissions charge.

Alderman Deason made a motion to pull the payment to Lower Rio Grande Regional Water from the consent agenda.

A motion was made by Alderman Hooton and seconded by Alderman Lowder, to approve consent agenda items a through e. Motion carried.

Item f was discussed concerning the payment of \$10.85. Alderman Deason stated his disapproval to pay this amount. Alderman Deason made a motion that the Town not pay this assessment. There was no second. Alderman Deason's motion failed. Alderman Lowder made a motion to pay the amount, Alderman Hooton seconded the motion. All approved with the exception of Alderman Deason. Motion carried to pay the assessment from the Lower Rio Grande Regional Water in the amount of \$10.85.

- 2. Discussion and possible action on matters related to the road repair project. Mayor Rodino gave a short update of any possible legal action on behalf of FJW Construction. There was nothing to take action on.
- 3. Discussion and possible action on ROW maintenance issues. Mayor Rodino gave a recap of the work the volunteer crew completed on West Resaca/Palma. The question now is what action is to be taken as it pertains to recovery of the cost of the clean-up project, based on the quote the Town received previously to clean up the properties. Mayor Rodino also stated that the properties on Calle Hermosa/W.Toronja have not been cleaned up as yet. There was some discussion among the board members concerning the last time these owners were contacted. Mayor Rodino mentioned that we have been researching with the Irrigation District as well as the Appraisal District to find viable contacts and addresses for these properties. Discussion continued about referring these problem properties to the Building and Standards Commission. Alderman Hooton

will draft a letter to be sent to the property owners with an invoice to pay the Town for the work performed.

It was mentioned that there are some other problem areas, one on E. Reparo and another problem on W. Resaca. The property in question has recently been sold, and Susan Heinz mentioned that the owner information is here in the office so that we can send letters to those owners informing them of the ROW maintenance ordinances.

Alderman Hooton gave an update concerning his work on updating the ROW Maintenance procedures.

4. Approval or rejection of a variance request from Kenneth Jaeger, President of ACE Partnership, Inc, for a variance from the requirement of the Bayview Zoning Ordinances, Article VIII Subdivisions, Section b, to install gutters and sidewalks. Alderman Deason made a motion to reject the variance request, Alderman Stachowiak seconded. The variance request was rejected.
5. Approval or rejection of allowing any current member of the Board of Alderman of the Town of Bayview, in good standing, to be able to obtain legal information and consultation from the Attorney of record, pertaining to the legality of items of the Town's business. Since this was Alderman Deason's request, he was asked to explain his thoughts. After much discussion, it was determined that more research was needed before a decision could be made on this matter. Mayor Rodino suggested that the matter be tabled stating that he would work up a policy statement for review at the next regular meeting. A motion to table this matter was made by Alderman Mullendore, and seconded by Alderman Stachowiak. Motion to table carried.
6. Approval or rejection of allowing any member of the Board of Alderman of the Town of Bayview, in good standing, to have placed on the Agenda, of any meeting, any item that pertains to the business of the Town, simply by submitting that item in writing, by letter or email, within twenty-four (24) hours before the seventy-two (72) hour deadline for final agenda posting. After discussion and a motion from Alderman Mullendore and a second from Alderman Stachowiak, the matter was approved with the wording that the Agenda additions be submitted 24 hours before the Agenda is posted.

Discussion Items:

7. Review of Bayview standalone ordinances and Zoning Ordinance Booklet for consistency and identification of any updates necessary. Town Secretary, Susan Heinz, had prepared a spreadsheet summarizing the suggestions from Alderman Mullendore after he had reviewed the standalone ordinance book. Mayor Rodino led the discussion about the validity of some of the ordinances. Mayor Rodino

urged the board members to look at the ordinances, stating that in the future he would like to have a workshop and come up with an action plan on dealing with these items.

8. Review of recommended changes to the Town's noise ordinance in light of comments received from residents during the public hearing on August 15, 2013. Mayor Rodino asked Alderman Lowder about the progress being made on this. Alderman Lowder reported that he was still working on it and that it would be ready for review at the next regular meeting of the Board of Alderman.
9. Discussion of the upcoming audit for FY2013, expected costs and related issues for FY2014. Mayor Rodino stated that he and Konnie Hooton had met with the auditors and were told that the cost of the audit would be \$6500, but they would discount to \$5800. When we received the engagement letter they had decided to bill us \$5000. It was determined that we could not find another auditor for this cost.
10. Discussion of additional road work needs, including East and West Reparo Circle, preferred scheduling and potential funding options. Mayor Rodino stated that East and West Reparo were on the original road schedule, but later removed, with the understanding that they would be taken care of at a later date. Possible funding could come from the liquidated damages from FJW Construction.
11. This item was moved to Executive Session – discussion of new lease agreement with the Girl Scouts.
12. Reports:
 - a. There was no report from Jeneria Lewis, Chairman of Building & Standards
 - b. Emergency Management – Mayor Rodino had nothing to report
 - c. Citizen Corps/CERT program – Roger Mantony was out of town, so no report

Adjourn:

The regular meeting of the Board of Alderman was adjourned at 7:40 p.m. so that the Town Council could go into Executive Session.

Executive Session:

The Town Council went into Executive Session at 7:45 p.m. as authorized by Subchapter D of the Open Meetings Act for deliberations regarding:

Section 551-072: Deliberations about Real Property

Adjourn:

The Executive Session was adjourned at 8:05 p.m.

Regular Meeting:


The regular meeting of the Board of Alderman was reconvened at 8:06 p.m.

Mayor Rodino asked for a motion to authorize the Town Attorney to review a new lease agreement with the Girl Scouts, developed by Alderman Stachowiak. Mayor Rodino also asked that Alderman Stachowiak be authorized to hire an appraisal of the current Girl Scout property the Town is renting. The motion was made by Alderman Mullendore and seconded by Alderman Hooton. Motion carried.

Adjourn:

The regular meeting of the Board of Alderman was adjourned at 8:07 p.m. with a motion from Alderman Hooton and a second from Alderman Lowder.



Mayor, Tom Rodino

Town Secretary, Susan Heinz