

**MINUTES OF THE REGULAR MEETING  
TOWN OF BAYVIEW, TEXAS**

**Held at  
102 S. San Roman, Bayview, Texas**

**January 16, 2014**

**TOWN COUNCIL MEETING**

1. The regular meeting of the Board of Alderman of the Town of Bayview was called to order, January 16, 2014, at 6:00 p.m. at the Town Office, 102 S. San Roman, Bayview, Texas.

Present were: Mayor Pro Tem Bill Hooton, Aldermen: Garry Lowder, Mark Mullendore, Scott Stachowiak and Leon Deason; as well as Town Secretary Susan Heinz.

2. The Pledge of Allegiance was led by Mayor Pro Tem Hooton.
3. Mayor Pro Tem Hooton welcomed everyone in attendance and asked if there were any public comments or concerns.

Stephen Hester said he understood budget concerns but asked if it was at all possible to have the speed bumps installed on North San Roman. He stated that the worst areas were the curves in the road and that there had been a couple of near misses with residents crossing the street. He also reported on a resident burning a very large pile of brush and stated that smoke and ash were flying everywhere and covering homes and swimming pools. He questioned if anyone went out to the location of the burn site when permits were issued to make sure the piles were not too large.

Ron Heinz had some comments for the Board expressing displeasure with some board members for the lack of professionalism and general conduct during the Board meetings; and others for lack of preparation prior to the meetings. He directed a comment to Alderman Deason, reminding him that he was no longer mayor, and stating his impression was that Alderman Deason was still trying to control the meetings by being argumentative and non-cooperative as a Board member. Ron expressed that he felt more would be accomplished if all of the Board members came to the meetings prepared and conducted themselves in a professional and congenial manner.

**Adjourn:**

The regular meeting was adjourned at 6:10 p.m. so that the Board could go into Executive Session.

**Executive Session:**

The Executive Session of the Board of Alderman was called to order at 6:15 p.m. regarding the following:

Section 551.071: Consultations with Attorneys  
Section 551.074: Personnel Matters

**Adjourn:**

The Executive Session of the Board of Alderman was adjourned at 6:33 p.m.

**Regular Meeting:**

The Regular Meeting was reconvened at 6:35 p.m.

**Old Business:**

1. Discussion and possible action on matters related to the road repair project:
  - a. Mayor Pro Tem Hooton reported on the meeting that he, Mayor Rodino and Alderman Deason had with FJW. Eric Villareal is recommending that the Town pay FJW the amount of \$16,350, taking into consideration some rain delays and extra work. Mayor Pro Tem Hooton asked for a motion. Alderman Lowder made a motion that we offer FJW the amount of \$16,500 in settlement. Alderman Mullendore seconded the motion. All voted in favor. Motion Carried.

**New Business:**

1. Approval of the Consent Agenda.
  - a. Minutes of Town Meeting December 19, 2013
  - b. Financial reports for the month of December, 2013
  - c. Building Inspector Report and fees in the amount of \$54.05
  - d. Payment of billing from the Rentfro Law Firm in the amount of \$862.50
  - e. Local contribution to LRGVDC planning efforts in the amount of \$50.00

Mayor Pro Tem Hooton made a motion to approve items a through d of the Consent Agenda, Alderman Lowder seconded. All approved. Motion Carried.

Alderman Deason questioned the billing from LRGVDC. The billing represents our prorated costs as members of LRGVDC. There was some discussion as how exactly the Town of Bayview benefited from the planning of the LRGVDC. Mayor Pro Tem Hooton made a motion that the Board approve the payment of \$50.00 to the LRGVDC. Alderman Lowder seconded. Mayor Pro Tem Hooton was in favor,

Aldermen Lowder, Mullendore, Stachowiak and Deason voted against. Motion failed, the Town will not pay this invoice.

2. Discussion and possible action regarding the handling of ROW maintenance issues. Mayor Pro Tem Hooton stated that since there was still so much disagreement about this Ordinance, that this item should be tabled at this time and this item sent to a workshop. Alderman Lowder made a motion that this item be tabled at this time and stated that he was in favor of the upcoming workshops. Mayor Pro Tem Hooton seconded the motion. Alderman Deason was opposed; Aldermen Lowder, Mullendore, Stachowiak, and Hooton were in favor. Motion carried, item was tabled.
3. Discussion and possible action on engaging Shafer Property Management to clear ROW areas. The bids from Justin to mow the properties of Salinas-Lee and Brownsville Anesthesia were \$325 for each property. Alderman Mullendore asked that if this wasn't approved the other option would be the Town get volunteers and clear the property. Alderman Deason asked if these violations had been turned over to the B&SC. Jeneria Lewis stated that they had been turned over and the commission was working on it. Alderman Deason feels a lien needs to be put on the Brownsville Anesthesia property. There was some discussion about possibly getting another bid to mow these properties as the bid from Shafer Property Management was quite high. Alderman Deason made the motion that we call and get at least two bids to mow these properties. Alderman Lowder seconded. All voted in favor. Motion carried.
4. Discussion and possible action on participating in the Cameron Council of Cities Hazard Mitigation Action Plan Project. Mayor Rodino had informed the Board at the December meeting about this project. There is no cost to the Town to join, but we could benefit as a result of the hazard planning. The letters were drafted and ready to go, pending Board approval. Mayor Pro Tem Hooton explained the plan a little further, stating we needed to get the letter signed and sent immediately. Alderman Mullendore made the motion that we sign the letters stating our willingness to participate. Alderman Stachowiak seconded. All voted in favor. Motion carried.
5. Discussion and possible action on either changing, deleting or enforcing as written that part of Article X Permits, Section 1, General Information (g) that pertains to fences and perimeter fences. Alderman Deason expressed concern that permits for fences were not being issued for ALL fences. Alderman Deason feels the Ordinance is not ambiguous, that permits were being selectively issued, and that permits should be issued for all fences. It either needs to be complied with for everyone or no one. Clifford Rowell, Building Inspector, made a few comments concerning the fence ordinance. Alderman Stachowiak questioned whether or not a survey was submitted with the fence permit and drawing. There is no survey required at this time. Clifford Rowell stated that if the property owner had to get a survey that would add a considerable amount to the cost of the fence. Clifford

Rowell suggested that Susan Heinz, Town Secretary, contact other towns and check out their fence ordinances for comparison. Alderman Lowder made the suggestion that we enforce the ordinance which is on the books, and then take this ordinance to a workshop. Alderman Deason made a motion that the standing ordinance be enforced **for any fence** until something else is drafted to replace it. Alderman Mullendore seconded. Mayor Pro Tem Hooton and Alderman Lowder voted against. Aldermen Deason, Mullendore and Stachowiak voted in favor. Alderman Stachowiak did state he did not really agree with the ordinance, but since it was a valid ordinance it needed to be enforced for now. Motion carried.

6. Discussion and possible action on renewing the Employment Contracts for both Clifford Rowell and Donny Curry, Town Building Inspectors. Mayor Pro Tem Hooton stated that as of December 2013, the Employment Contracts for both inspectors had expired, also explaining that the Town has not heard from Donny Curry, even though Mayor Rodino had tried to contact him several times and he was invited to the meeting. Mayor Pro Tem Hooton asked for a motion to accept Clifford Rowell as the Town Building Inspector. Alderman Deason asked Clifford if he had any knowledge as to whether or not Donny Curry intended to continue as the Town OSSF Inspector. Clifford stated that in talking with Donny, that was his impression. Mayor Pro Tem Hooton asked for a motion approving Clifford as Town Building Inspector. Alderman Lowder made the motion to accept Clifford Rowell as the Town Building Inspector. Alderman Deason seconded. All voted in favor. Motion carried.
7. Discussion and possible action on authorizing payment to Long Chilton, LLP for the FY 2013 audit of the Town's financial records. Alderman Lowder made a motion to accept the payment in the amount of \$5,000 to Long Chilton, which was the budgeted amount. Alderman Stachowiak seconded. All voted in favor. Motion carried.

#### **Discussion Items:**

8. Update on Cornerstone Church proposal. Mayor Pro Tem Hooton stated that the Town had received, from Hamilton Musser, an application for zoning change, as well as a quit claim deed proving that the Cornerstone Church owned the Madison Grove Sports Center. The Town would begin the lengthy process of public hearings to determine if a zoning change would be granted.
9. Alderman Stachowiak reported that the Girl Scout Board was going to meet the following week, and as such we would not have any information until after their Board meeting concerning a long-term lease.
10. Mayor Pro Tem Hooton discussed the proposed budget and planning workshops in February, explaining that a workshop was an opportunity for the Town to participate with an exchange of information between the Town and the Board. Alderman Deason stated that he was not in favor of having a workshop on the

budget, he feels it is too early to plan a budget. He is in favor of the ordinance workshop, but wants to postpone the budget workshop until October.

11. Discussion on a proposed workshop in February to go over the ordinances.

12. **Citizen complaints:**

The Town has received several complaints/questions concerning when the speed bumps will be installed on North San Roman. Mayor Pro Tem Hooton explained that the Town was waiting to arrive at a final settlement with FJW Construction, before going forward with the installation of the speed bumps. The Town had also received a complaint regarding overly large brush piles being burned on North San Roman. There was discussion among the Board members stating that the size of the burn piles was addressed in the Burning Permit, and that the fire department does need to be called if something gets out of hand.

13. **Reports:**

a. Building & Standards Commission: Jeneria Lewis reported that they do have three cases and have not had a meeting as yet, and that she was requesting all of the members of the Commission take the Texas Open Meetings Act training. Jeneria feels that all of the training should be complete by February 1, and she is hoping to have the first meeting by late February to Mid-March.

b. Emergency Management: Mayor Rodino was not present so there was no Emergency Management report.

c. Citizen Corps/CERT: Roger Mantony was not present, no report.

**Adjourn:**

The regular meeting of the Board of Alderman was adjourned at 7:33 p.m. with a motion from Alderman Mullendore and a second from Alderman Lowder.



Mayor Pro Tem William L. Hooton



Susan Heinz, Town Secretary