

**Building and Standards Commission, Town of Bayview**  
**Minutes**  
**March 17, 2014**

Notice was issued and served in a timely manner of a meeting of the Town of Bayview's Building and Standards Commission. The meeting was held at 6:30 p.m. on Monday, March 17, 2014 at the Town offices located at the Girl Scouts' West Building, 102 S. San Roman Road, Bayview, Texas.

Present were Commission Chairman Jeneria Lewis, Mayor Tom Rodino, and Commissioners Ron Heinz, Stephen Hester, Roger Mantony, Mark Mullendore, and Alternate Commissioners Garry Lowder and Barbara Creighton, and Commission Secretary Bonnie Gibbons. Visitors are shown on the attached sign-in sheet.

1. Chairman Jeneria Lewis called the meeting to order at 6:30 p.m. and the Pledge of Allegiance was recited.
2. Minutes of the April 2, 2013 Building and Standards Commission meeting were approved with no additions or corrections by those present for that meeting.
3. Minutes of the October 14, 2013 Building and Standards Commission meeting were approved with no additions or corrections.
4. Bonnie Gibbons was voted in as Secretary for the Commission and sworn in.
5. Docket No. 2014-001 Public hearing and possible action on affected property described as Unit 4, Section 3, Block 25, Bayview Citrus Groves, on Calle Hermosa, Bayview Cameron County, Texas; Property ID # 1218182. Owner of record is Brownsville Anesthesia Consultants. The Commission will determine whether the Owner did not comply with and violated Article II, Section 12 – *Right of Way Maintenance* of the Ordinances of the Town of Bayview.

Mayor Rodino cited the lack of maintenance for several years. Certified letters sent to the address of record with the Cameron County Appraisal District have been returned without a forwarding address. Numerous unsuccessful attempts were made to locate an alternate address including contacting local businesses, doctors, telephone directories and the irrigation district. The Town of Bayview is unable to determine the owner of record for the business. Legal notices were placed in the newspaper of record and with the Cameron County Courthouse 14 days before the hearing. The Mayor referred the case for recovery of costs to the Town of \$250 for 2012 ROW violation in October 2012; \$325 estimate for clearing ROW currently; \$100 for administrative expenses; and \$575 in penalties.

The Town has contracted to have the ROW cleared but the work has not yet been performed. The Chairman mentioned that the Health and Safety Code chapter 342.007 prevents the Town from being reimbursed for work that was not performed. This was mentioned because the referral letter to the Building and Standards Commission requested reimbursement for estimated costs for clearing the ROW. The Chairman also stated that the 2012 costs and penalties that had already been assessed in another Commission hearing, could not be requested again. Additionally, a lien was filed from the 2012 hearing with the district clerk in 2012 for \$250 for mowing the ROW; \$69.15 for administrative expenses; and a \$500 penalty. The Chairman stated that penalties and administrative costs could be requested for noncompliance. Due to the continuing noncompliance, the Mayor asked that a substantial penalty of at least \$575 be assessed. A no vote was made on the \$250 for the ROW violation and for the \$325 clearing of the ROW.

Discussion revealed that the Administrative costs the Town had been requesting in the referral letters to the Building and Standards Commission, do not include those generated by the Building and Standards Commission. The Chairman offered that the estimated costs of approximately \$600 to hold hearings could be considered in penalty deliberations. The mayor stated that he and the Board of Aldermen would be working on assessing more comprehensive administrative costs and penalties for future hearings. A motion by Roger Mantony and seconded by Stephen Hester, for an administrative fee of \$100 was unanimous.

Mark Mullendore's motion for a penalty of \$575 received no second. Ron Heinz moved that a penalty of \$750 be imposed for noncompliance to date. Stephen Hester seconded the motion and added that it was to be paid within 45 days of this hearing. Mark Mullendore seconded this and the motion passed 4-1 Jeneria

Lewis with the nay, stating that she felt the penalty was too high. Ron Heinz made a motion to find the owner in violation of Article II, Section 12 – *Right of Way Maintenance*, which was seconded by Roger Mantony and passed unanimously.

6. Docket No. 2014-002: Trinidad Capistran Public hearing and possible action on affected property described as Lots 1, 2 and 3 of Capi Estates Subdivision, Palma Lane & W. Resaca Road. The owner of record is Trinidad Capistran. The Building and Standards Commission will determine if the Owner did not comply with and did violate Article II, Section 12 – *Right of Way Maintenance* of the Ordinances of the Town of Bayview.

Mayor Rodino stated that this property had many complaints due to the overhanging trees impeding traffic and creating a public safety hazard. Letters to the owner have been returned to the town unclaimed and unable to forward. Telephone calls have not been returned. On January 2, 2013 a certified letter was returned unable to forward or claim. Ten volunteers from the Town worked to clear the ROW at an estimated cost of \$725. Because costs not actually incurred by the town cannot be awarded to the town, Ron Heinz suggested that the estimate of \$725 be considered in the penalty deliberations. Ron motioned for a penalty of \$1,450 and an administrative fee of \$50. Stephen seconded the motion and it passed unanimously. Roger motioned that the Owner did not comply with and did violate Article II, Section 12 – *Right of Way Maintenance* of the Ordinances of the Town of Bayview. Stephen seconded the motion, which passed unanimously.

7. Docket No. 2014-003: Public hearing and possible action on affected property described as Unit 4, Section 3, 4.270 Acres out of 7.220 Acres, Blocks 26, on S. Valencia Drive, Bayview Citrus Groves, Bayview, Cameron County, Texas. Owners of record are Bernardino Salinas and Wendy J. Lee. The Building and Standards Commission will determine if the Owner did not comply with and did violate Article II, Section 12 – *Right of Way Maintenance* of the Ordinances of the Town of Bayview.

The Mayor stated that this was the second hearing for the same property and owners. Previously the owners reimbursed the Town for costs incurred to clear the ROW, but have not maintained the ROW since. Notifications were sent out to the address of record and letters were returned unclaimed. However, Mr. Salinas contacted the Town secretary March 7, 2014 saying that he had received the letters sent from the Building and Standards Commission and would show to this hearing. In the days before the hearing, Mr. Salinas began clearing the property, but not the ROW. He did not appear at the hearing.

Ron Heinz motioned to find Bernardino Salinas and Wendy Lee in violation of Article II, Section 12 – *Right of Way Maintenance* of the Ordinances of the Town of Bayview. Mark Mullendore seconded the motion, which was passed unanimously.

Roger Mantony motioned that an administrative cost of \$50 and a penalty of \$450 be assessed. No costs were awarded because work had not yet been performed. Steve seconded the motion, which passed unanimously. Ron moved that all fees are due within 45 days of this hearing. Steve Hester seconded this and the motion passed unanimously.

8. At 8:02 p.m., the meeting was adjourned with a motion by Roger and seconded by Ron. It passed unanimously.

/s/  
Bonnie Gibbons, Secretary  
Building and Standards Commission, Town of Bayview

Bonnie Gibbons  
Minutes approved by Building and Standards Commission on the 15 day of October, 2014  
Bonnie Gibbons, Secretary