

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

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

March 20, 2014

Regular Meeting

1. The regular meeting of the Board of Alderman was called to order at 6:30 p.m. Those present were Mayor Rodino, Aldermen Lowder, Hooton, Mullendore, Stachowiak and Deason, as well as Town Secretary, Susan Heinz.
2. Mayor Rodino led those present in the Pledge of Allegiance.
3. Mayor Rodino welcomed those present and stated that our Town Attorney, David Irwin, was present and that the Board would be adjourning to go into Executive Session. He asked if there were any public comments before the Board adjourned.

Jeneria Lewis spoke to reiterate her support for inclusion of schools and churches in the commercial zone of Bayview. Jeneria also addressed the issue of an office for the Town of Bayview. She supports the purchase of a modest temporary building to house the town office until such time that the loan for the road improvements is paid off. She is not in favor of the Town taking out a loan to build a new building at this time.

Adjourn

The Regular meeting was adjourned at 6:34 p.m.

Executive Session

The Executive Session was called to order at 6:36 p.m.

Those present were the Mayor and Aldermen, Town Secretary and Town Attorney, David Irwin. The Council had the right to go into Executive Session regarding the following:

Section 551-071: Consultations with Attorney
Section 551.072: Deliberations about Real Property

Adjourn

The Executive Session was adjourned at 7:40 pm.

Regular Meeting

1. The Regular meeting of the Board of Alderman was re-convened at 7:43 p.m. A request had been made to allow another public comment opportunity for those who waited until after the Executive Session. Alderman Mullendore made a motion that the public comment session be re-opened, Alderman Lowder seconded. All voted in favor. The public comment session was re-opened.

Reuben Trevino expressed his support for allowing churches and schools in the commercial zone, not in the residential zone. He also urged the town to think long and hard before incurring more debt at this time for a new town office.

Roger Mantony stated that he had noticed some deterioration on the side of the roadway on North San Roman, between 109 and 111 on the east side of the roadway. The deterioration is on the side and shoulder.

Evelyn Morris stated that she had heard the town may try to raise taxes. She stated that she didn't think taxes could be raised, that the taxes were only to be used for roads and road maintenance. She also stated that she was not in favor of re-zoning residential areas. The commercial zone should stay commercial and the residential should stay residential.

Bonnie Gibbons asked that the Board rethink their scheduling of Executive Sessions so that people did not have to wait at the beginning of the meeting.

Old Business

1. Discussion and possible action on matters related to the Town's proposal to FJW Construction. The Town sent a letter with a proposal for final payment, but has not heard anything from FJW. No action at this time.

New Business

2. Approval of Consent Agenda:

- a. Minutes of Town Meetings of February 20 and March 10, 2014
- b. Financial Reports for month ending February 2014
- c. Building Inspector Report and fees in the amount of \$33.75
- d. Payment of billing from Rentfro Law in the amount of \$793.75
- e. Payment of Girl Scout billing for month of January of \$127.36

Alderman Deason asked once again about the balance on the Ad Valorem account. Mayor Rodino asked Konnie Hooton to prepare another balance sheet for the Ad Valorem account to distribute to the Board.

Alderman Hooton made a motion to approve the consent agenda. Alderman Lowder seconded. All voted in favor, motion carried.

3. Discussion and possible decision on whether or not the Town Secretary must be a Certified Municipal Clerk. Town Secretary Susan Heinz presented to the Board the costs involved with getting the Municipal Clerk Certification. Two seminars per course must be attended, at a cost of \$250 or more, plus travel and accommodations; as well as the cost to test; there are 4 courses. Susan stated her willingness to continue the courses offered through the University of North Texas, but feels it is not fiscally responsible for the Town to incur this expense. Alderman Hooton made the motion that we not have the Town Secretary become a Certified Municipal Clerk, Alderman Mullendore seconded. All voted in favor, motion passed. Mayor Rodino asked Susan Heinz to change the job description to reflect this change.
4. Discussion and possible action on approval for the Town Secretary to take Course 4 at a cost of \$75.00. One of the modules of course 4 is on Election Law, which Susan Heinz feels would be very beneficial. Alderman Mullendore made a motion to approve Susan Heinz enrolling in Course 4, which covers election law. Alderman Hooton seconded. All voted in favor, motion carried for Susan Heinz to enroll in Course 4.
5. Discussion and possible action on amending Bayview Zoning Ordinances to consider churches and schools. Mayor Rodino stated that the Board had consulted with the town attorney during Executive Session and that the Board would have proposals to present to the town at a public hearing before the regular board meeting on April 17, 2014. Alderman Lowder made a motion to go ahead with a public hearing on April 17, Alderman Hooton seconded. All voted in favor, motion carried.
6. Discussion and possible action on matters concerning town property and office construction possibilities. Mayor Rodino explained that the town was in the process of investigating all of our possibilities, including the purchase or rent of a modular building, the construction of a new facility, and lending options.

Alderman Deason had spoken with First Community Bank, he reported that the minimum cost to secure a loan would be \$7000, and any loan over a year backed up by ad valorem taxes, would have to be approved by the Attorney General. David Irwin asked if the bank was going to require Bond Council, stating that if they did that would be an additional cost of at least \$10,000. The cost of floating a bond would be about \$30,000. Mayor Rodino stated that after checking with TML, no matter what avenue the Town took, either extending the current loan or obtaining a private loan, the same process would need to be undertaken and the same expenses.

Alderman Deason stated he spoke with Jim Rose, of Mejia & Rose, about doing a site plan for the town and that Mr. Rose would do it himself for \$3500. We would need to get a soil sample, \$1000-\$1500, water about \$3000. Alderman Deason also stated that he had spoken with AEP and that if the Town would write a letter stating we have a project coming up, that AEP may be able to connect the electric at no cost using some of their funds set aside for contributions. Alderman Deason continued stating he has spoken with Donny Curry about the OSSF. Donny reported that he knew someone who had 2 oversize septic tanks with lids for \$400 and that we could get the septic installed for between \$800-\$1000. Caliche road and parking, Richard Meyn thinks the cost would be about \$2000. All site costs would be the same whether we put a temporary building on the property, or build a permanent structure. The total of this is approximately \$12,000 - \$15,000; plus the cost of a building. Alderman Deason feels we could purchase a temporary building for approximately \$12,000 - \$14,000, for a total of approximately \$26,000.

Alderman Lowder expressed the concern that the town does not have the money and we still have not heard from the Girl Scouts as to how long we could continue to hold our meetings at the current office. Mayor Rodino and Alderman Stachowiak stated that the Girl Scouts had assured us we could continue to use the building for meetings. Alderman Lowder asked if we would have to put any development on the property out for bids. Alderman Deason stated that we did not have to put anything out for bids unless it was over \$10,000. If we contracted each item separately, we would not need to get bids. Alderman Mullendore will try to get in touch with the superintendent of the Brownsville School District to check on empty portable buildings.

Alderman Hooton expressed that if we do not have an office for the town, then we can't operate, as in issuing permits and such. He also stated that having a place to meet was not an option, it is a necessity as the board cannot meet unless there is an open meeting, inviting the public, no meeting, no government. He also has concerns with trusting that the Girl Scouts will continue to let us meet in the current facility. He stressed that this is not an easy decision to make, especially since the town does not have any money to work with. Alderman Hooton does not like the idea of a modular building or even a steel building, but we are out of options at this time. Alderman Mullendore commented that the town used to meet at the Irrigation District, which was much like meeting in a closet. He stated we have roughed it in the past and we can again. Alderman Stachowiak reiterated that the Girl Scouts had stated they had no problems with us having our monthly meetings at the camp, so a temporary office building seems to be the best option at this time.

Mayor Rodino stated that it seemed the consensus of the Board was to continue with the site preparation. David Irwin stated that after reviewing the document prepared by Alderman Deason concerning the costs of the site prep, the town did not have to go out for bids. Alderman Deason made a motion to have Jim Rose develop a site plan for a cost of \$3500. Alderman Lowder asked if we were going to get another estimate for preparing the site plan. Mayor Rodino authorized

Alderman Lowder to contact another survey company and that we would move forward with a target budget of \$26,000. Alderman Deason said he would also like to go ahead and get approval to purchase the 2 oversize septic tanks for \$400. Alderman Hooton made the comment that we would need to make sure we were following our own ordinances and had licensed contractors for all of the proposed work. Alderman Stachowiak seconded the motion to move ahead. All voted in favor, motion carried.

Discussion Items

7. Update on anticipated schedule for addressing matters relation to the Cornerstone Church and School. Nothing has changed so far, still moving forward.
8. Update on ordinance review workshop. Mayor Rodino stated that this had been somewhat side-tracked because of the other issues which have come up. He also stated that Susan Heinz was going to take comments from the workshop, reorganize and another workshop would be scheduled.
9. ROW maintenance workshop has been deferred to a later date.
10. Mayor Rodino reminded residents about the fire hazard of palm fronds blowing against the power lines.
11. Citizen complaints:
 - a. Speeding drivers on N. San Roman. Mayor Rodino stated that the Sheriff and constable have been encouraged to have a presence out here, but he stated that they cannot ticket speeders for violating the Bayview speed limit. Speed bumps are still being considered for N. San Roman.
 - b. Unknown persons approaching residents' homes claiming to be interested in homes for sale. Mayor Rodino summarized the incident at the home on Palma and a home on Chachalaca. Mayor Rodino urges everyone to please call the Sheriff or the Constable and report suspicious activity. Alderman Lowder reported that the Budweiser truck was seen on N. San Roman again, they are not supposed to be traveling through town, they are supposed to be going around.
12. Reports:
 - a. Building and Standards Commission. Jeneria Lewis reported on the meeting which was held March 17. They had 3 dockets: Brownsville Anesthesia, Salinas-Lee, and Capistran. The Commission found all three to be in violation and has ordered approximately \$2850 in total fees to be reimbursed to the Town. Jeneria requested that the Board please include the costs of the B&SC in the projected costs when referring to the B&SC. The cost for this hearing was in the vicinity of

\$500, and those costs had not been considered. She also requested photos of the violation for their files going forward.

b. Emergency Management. Mayor Rodino reported that we are still on track with all of our programs.

c. Citizen Corps/Community Emergency Response Team. Roger Matony stated that there would be training available for those interested in participating in this endeavor. We need at least 10 people to sign up in order to have the trainers come here and train. He asked if we could send out a survey to the town email distribution list. Mayor Rodino and Susan Heinz asked Roger to develop a letter/survey and get it to the Town and it would be sent out.

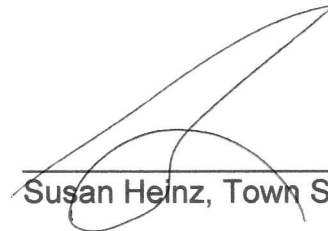
d. Cameron County Coastal Task Force. Mayor Rodino gave an update of some of the possible grant programs available.

Adjourn

The regular meeting of the Board of Alderman was adjourned at 8:40 p.m. with a motion from Alderman Mullendore and a second from Alderman Lowder.



Tom Rodino, Mayor



Susan Heinz, Town Secretary