

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

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

November 20, 2014

Regular Meeting

1. The regular meeting was called to order at 6:30 p.m. by Mayor Rodino
2. Mayor Rodino led those present in the Pledge of Allegiance. Mayor Rodino, Alderman Hooton, Alderman Mullendore, Alderman Stachowiak, Alderman Deason and Acting Secretary, Konnie Hooton were present.
3. Mayor Rodino welcomed those present and asked if there were any public comments.

Bonnie Gibbons – stated that she stopped to get a burn permit and complained about a sign on S. San Roman and Palma; and asked if Susan Heinz had reported her complaint and she also asked why her complaint was not on the Agenda. She also mentioned several other signs in violation of the Town of Bayview sign ordinances. She stated that the Mayor was responsible for upholding the ordinances.

Tom Daughters – Introduced himself as he volunteered to serve on the Building & Standards Commission

Roman Guzman – asked about the Bergendahl property on Palma and W. Resaca and if the Town has made efforts to contact the owners to get the property cleaned up. Mayor Rodino stated as soon as he made contact he would be in touch with Mr. Guzman.

Adjourn

The regular meeting was adjourned at 6:36 p.m. so that the Town Council could go into Executive Session.

Executive Session

The Town Council may go into Executive Session as authorized by Subchapter D of the Open Meetings Act.
Section 551-071: Consultation with Attorneys on matters related to the Cornerstone Church lawsuit against the Town.

Resume Open Meeting

The regular meeting was reconvened at 7:02 p.m.

Action Items

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

1. Alderman Hooton made a motion as follows:

That we initiate the process to amend the Town Zoning Ordinances to allow churches and schools to be located in the Residential A District, District 72, applying for and obtaining of a conditional use permit. Alderman Mullendore seconded. All voted in favor, motion carried.

New Business

2. Discussion and possible action on revising the Zoning Ordinances to eliminate the requirement to post a \$1,000 bond before independent electrical installations are allowed. Sections affected:
 - a) Article II, Regulations applicable to All Districts, Section 11: Independent Electrical Installations.
 - b) Article X, Permits, Section 1: General Information.

Alderman Stachowiak reported on the proposed changes. Basically what is proposed is removing the bond requirement as stated in Article X, Section 1, f. The proposed change will read as follows:

- f) Guest houses, servant's quarters, or other auxiliary structures, shall not be permitted until the main single family dwelling is started or until a \$1,000 bond has been posted guaranteeing construction of the main dwelling within a period of one year.

Structures which are not subject to the **bond** requirement are independent electrical installations (i.e. power poles and connection boxes as listed in Article II, Section 11), fences, retaining walls, pump houses, and docks. Any of the listed structures must still satisfy any permit requirements.

Alderman Hooton asked about Section 11, a, to verify that 'sprinkler pumps' was added. Alderman Stachowiak also stated that item c language 'site plan' was replaced with 'location'.

Mayor Rodino asked for a motion to accept the changes. Alderman Deason made the motion, Alderman Hooton seconded, all voted in favor, motion carried.

3. Discussion and possible action on updating Policy and Procedure for issuing building permits.

Mayor Rodino explained that we had been working on clarifying the wording in this policy. The most significant proposed change to the policy and procedure as recommended by Mayor Rodino is Item 3, stating that the Mayor or one of the aldermen will review any permit application if the building inspector is not available to do so, making sure all town requirements are satisfied, taking the responsibility of making the decision off of the Secretary. Also, Mayor Rodino does not feel it is necessary to require the Building Inspector to be present at every meeting, since the Board receives a copy of the report and permits issued several days before the meeting, giving them time to ask any questions felt necessary. Also, the Town does not pay the Building Inspector to make the trip and be present.

Alderman Deason's proposals are as follows:

Alderman Deason read his proposal for Permit Policy, which is attached. Alderman Deason stressed that he wants the Building Inspector present at the BOA meetings to present both an oral and written report. He also stated that when the Secretary signed the permit application, that signature was just a verification that the necessary documentation was in the office. The Building Inspector should be responsible for making sure all the building codes are met. Alderman Deason made a motion to accept his version of the Policy and Procedure process. Mayor Rodino stated that there would be discussion first.

Alderman Hooton feels there are two major differences, which questioned who actually looked at the original permit application and making it necessary that the Building Inspector be present at all meetings. Alderman Deason wants the Building Inspector to be the one who reviews the documentation, Mayor Rodino wants it to be the Mayor or Alderman. He is opposed to making it necessary for the Building Inspector to be present at the meetings to give an oral report and expressed concern that when the Inspector is giving his report that opens up the opportunity for gossip. He feels that if the report is received in time the Board should be able to ask any questions they might have without an oral report. He is also concerned about requiring the Inspector to be present and the possible additional costs for that.

Alderman Mullendore feels the Building Inspector needs to be the first one to receive the application and plans, as he is the one with the expertise. He also feels the Building Permit should be issued only by the Building Inspector. Alderman Mullendore is in favor of receiving oral reports as he has always found them helpful.

Alderman Stachowiak is not opposed to having the Building Inspector present at the meetings, but he feels that the responsibility of making sure the paperwork and town requirements are met is up to the Town, then the permit application is passed on to the Building Inspector.

Alderman Deason made a motion to accept his policy as written. Mayor Rodino stated that the wording 'all national and state building codes' be amended to state 'applicable Building Codes'. Alderman Mullendore seconded. Alderman Hooton opposed. Alderman Deason, Stachowiak and Mullendore voted in favor. Motion carried.

4. Discussion and possible action appointing an Alternate member to the Building & Standards Commission to fill vacancy created by Barbara Creighton's resignation. The appointment will be for the remainder of the two year term which expires September 19, 2015.

Mayor Rodino stated that there were two interested parties to fill this term, Bob Steenbock and Tom Daughters.

Bob Steenbock introduced himself, Tom Daughters introduced himself earlier in the meeting. The Board then voted and Bob Steenbock was elected to fill the unexpired term.

5. Approval of the Consent Agenda:

- a. Minutes of the Town Meeting of October 16, 2014
- b. Financial reports for month of October 2014
- c. Building Inspector Report and fees-no fees due
- d. Payment of current and past billing from The Rentfro Law Firm in the amount of \$3,696.47 (invoice dated 10/27/2014) which includes \$3,058.22 previously invoiced and \$638.25 currently invoiced.

Mayor Rodino stated that he wanted to pull item d, Rentfro billing, out of the consent agenda for separate discussion. He asked if there was anything else that needed further discussion.

Alderman Deason wanted to discuss the minutes from October 16, claiming that they did not accurately reflect his comments at the time. The Mayor deferred action on the October minutes pending a recheck of the recording.

Financial reports we are projecting that if we pay \$2,000.00 to Rentfro, and everything that is due to be paid, there should be a balance of approximately \$1,000.00 left in the General Fund at the end of December. If the full amount of the legal bill is going to be paid a transfer from Ad Valorem will be necessary. In Ad Valorem a projected balance for the end of the fiscal year, \$21,000.00. Money held to pay FJW, budgeted general fund transfer and holding back \$40,000.00 for loan payment which is due the end of October. We are current right now with the exception of the outstanding legal bill.

d. Payment to the Rentfro Law Firm. There was discussion about the billing from the Rentfro Law firm, and that the bulk of the legal fees were related to the law suit from the Cornerstone Church. Mayor Rodino recommended that a \$2,000.00 payment be made

right now to Rentfro. Alderman Deason asked if there was still \$1460.00 in the Disaster Recovery Fund. He suggested that the Town transfer \$1450.00 of that to the General Fund only to pay the legal fees, add that amount to the \$2,000.00 payment suggested by Mayor Rodino, making a payment of \$3450.00, leaving a shortfall of only \$246.00. Konnie Hooton asked if it would be okay to pay the entire amount of \$3,696.47, since we will have the balance in the General Fund. There was more discussion concerning funds and amounts possibly due to FJW.

Mayor Rodino asked for a motion to transfer funds from Disaster Recovery. Alderman Deason made the motion to transfer \$1,450.00 from Disaster Recovery and add that to the \$2,000.00, making a payment of \$3,450.00 to Rentfro Law Firm, leaving a shortfall of \$246.47, unless the Board decides to pay it all. Mayor Rodino suggested that we pay all of bill. The motion was modified to pay the entire Rentfro amount of \$3,696.47. Alderman Hooton seconded. All voted in favor, motion carried.

Mayor Rodino asked for a motion to accept the October financials. Alderman Hooton made the motion to approve, Alderman Deason seconded. All voted in favor, motion carried.

Discussion Items

6. Update on driveway and parking area for Town Office. Mayor Rodino stated we still do not know what the schedule is for putting material in the parking lot. We have a contract that once the roads are scarified, that material will be place in our parking lot, free of charge, in exchange for use of our parking lot as a staging area for road equipment.
7. Closure of the Town Office on November 24-26, 2014 preceding Thanksgiving. Mayor Rodino stated if anyone needed anything to call him.

8. Citizen complaints:

Mayor Rodino stated that the citizen complaints were the usual, speeding vehicles, loose dogs, signs. There are a lot of issues to follow up on.

9. Reports:

- a) Building & Standards – Jeneria Lewis stated that there would be a meeting in January or February to review possible procedure changes, no law changes. She also welcomed Bob Steenbock to the Commission and reminded everyone that all positions on Building & Standards would be up for re-election in September, 2015.
- b) Emergency Management – Mayor Rodino reported on several items. Mayor Rodino passed out a chart of storm surge models, showing that Bayview is higher in elevation than most of the area, so flood possibilities are quite low. There are several workshops coming up regarding Emergency Service

Districts and city, our Emergency Service District is out of Los Fresnos and their response time is quick. Coastal Resiliency Forum in Port Isabel, looking at potentially receiving grant money from the oil spill from a couple of years ago. Small communities could be available for some funds. He also talked about a storm water drainage study.

- c) Citizen corps – no report
- d) Cameron County Coastal Task Force – no report
- e) Regional Small Cities Coalition – current project trying to improve broadband service throughout the area.

Adjourn

The regular meeting of the Board of Alderman was adjourned at 8:02 p.m. with a motion from Alderman Deason and a second from Alderman Stachowiak. All voted in favor, motion carried.

Tom Rodino, Mayor

Susan Heinz, Town Secretary

