

**MINUTES OF THE REGULAR
MEETING OF THE BOARD OF ALDERMEN
TOWN OF BAYVIEW, TEXAS
Held at
104 S. San Roman, Bayview, Texas**

May 21, 2015

General

1. The Regular Meeting of the Board of Alderman was called to order by Alderman Lowder at 6:30 p.m. Those present were Aldermen Lowder, Mullendore, Lewis, Stachowiak and Deason; as well as Town Secretary, Susan Heinz
2. Alderman Lowder led those present in the Pledge of Allegiance
3. Alderman Lowder then welcomed everyone present and asked if there were any public comments, reminding everyone to keep their comments to three (3) minutes.

Bob Steenbock, S. San Roman, commented on the road work, stating that the Town has anticipation that the property owners are going to maintain the rights-of-way in front of their homes from the road up to the fence line. He stated that unless the road crew smooths out the ditches, he will not be able to run his equipment over the rough ground to maintain his right-of-way.

Steve Hester, N. San Roman, congratulated Jeneria Lewis and Mark Mullendore on their recent election win and stated that he appreciated the email he received from them, stating it was very professional and heartfelt. He then stated he did not appreciate the email he received from (pointing to Alderman Deason) at 3:40 a.m. He felt the message was very mean-spirited, and asked that he not be sent any more emails with that type of message. Alderman Deason started to reply, but was reminded there were no comments during the public comment session. Steve felt it would have been much more professional if Alderman Deason had just congratulated Mark & Jeneria, because they did deserve it, and then thank the outgoing person for all of his hard work.

Action Items

Old business (matters carried forward from a previous meeting or meetings): None

New Business:

4. Selection of a Mayor Pro Tem for the next twelve (12) months; the Mayor Pro Tem will then assume the Chair for the remainder of the May 21 Meeting. There was a motion from Alderman Stachowiak nominating Alderman Deason as Mayor Pro Tem for the next

twelve (12) months, and a second from Alderman Mullendore. All voted in favor, motion carried. Mayor Pro Tem Deason then assumed Chair of the meeting.

5. Discussion and possible action on approval of a final draft of the proposed Article X permit and inspections ordinance. Mayor Pro Tem Deason led the discussion of the proposed Article X permit ordinance. The Board discussed every item on the proposed ordinance. The proposed ordinance was then accepted, with some corrections and modifications. Alderman Lowder made a motion to approve the proposed Article X ordinance, with changes. Alderman Mullendore seconded the motion. All voted in favor of the proposed Article X ordinance with modifications.
6. Discussion and possible action on approval of a draft of the proposed Windmills Ordinance and scheduling a date for the public hearing on the ordinance. The proposed ordinance would be Article II, Section 13. Mayor Pro Tem Deason then went through the proposed Windmill ordinance item by item with the Board. The proposed ordinance includes requirements for signed and sealed plans from a Texas State structural engineer, showing that the windmill can withstand wind gusts in the Inland 1 zone, which is 120 mph for 3 seconds, as well as the corrosive environmental conditions. Site drawings showing location of windmill on the property, evidence of clear fall zone, and a maintenance plan as well as a dismantling plan. The ordinance also proposes that the windmill must have a clear drop zone of one and one-half (1 ½) times the total height of the windmill. The plan is to have a rough draft of the entire Ordinance ready for the regular June meeting and then go forward with a Public Hearing in July.
7. Discussion and possible action on accepting citizens' donations to fund installation of speed humps on North San Roman and contracting for the work.
 - 1) Mayor Pro Tem Deason asked Steve Hester if an account had been set up in the name of the Town, he said it has not. Susan Heinz, Town Secretary stated that Steve had all of the checks, the Town did not have them. Mayor Pro Tem Deason then stated that the account needed to be set up at the bank, stating that Susan and Mayor Rodino needed to go to the bank the following Tuesday, (Monday being a Holiday) and get the account set up. After the account is set up and the money is deposited, then the Town can go forward with the rest. Further stating that the Town cannot make any determination about anything until the money is there. Alderman Lowder then asked if Steve could report on the amount of money collected and reminded Alderman Deason that Steve was told when enough money had been collected for the project then the account could be set up. Steve reported the citizen's committee had received a total of 16 checks for a total of \$5550.00. They are expecting another check, bringing the total to over \$6000.00 which would be enough for the eight speed humps with some monies left over to purchase the signage needed. Steve then stated that the Board had copies of the bids, the locations for the speed humps, the number of speed humps, and then stated he would be out of town but would give the checks to Town Secretary, Susan Heinz. Mayor Pro Tem Deason then stated that Susan cannot keep the checks and Susan cannot open the account. Steve then stated that he would keep the checks until the Town was ready to receive them. Steve then asked for a commitment from the Board, that once the account is opened with over \$6,000.00, what would it take for the Board not to wait another month before making a decision. Mayor Pro Tem Deason stated that if

the account was set up on Tuesday, the Board could have a Special Meeting the following Monday, June 1 and everything will be addressed at that time. Mayor Pro Tem Deason then stated that this could have happened on the 14th when there was a meeting, it could have happened on the 18th when there was meeting, and the Board waited until the 21st. Steve then stated that it couldn't have happened because the checks have been trickling in. Alderman Stachowiak asked if the committee now had \$6,300.00, Steve said yes. Alderman Lowder then stated that the actual target was \$6,000.00 which would cover the eight (8) proposed speed humps, using the estimate given by I.M. Services, which was \$750.00 per hump. Alderman Lowder feels that there are still some other pledges that may come in and that the committee will also need to purchase signage. Steve Hester thanked all of the donors who are making the speed humps possible.

8. Approval of the Consent Agenda:

Mayor Pro Tem Deason asked that all of the consent agenda items be separated:

- a) Minutes of the April 16 Regular meeting and April 28 Special Meeting
Mayor Pro Tem Deason asked if there were any comments on the April 16 minutes. After some discussion of the April 16 minutes and April 28 Special meeting were approved with a motion from Alderman Lowder, all voted in favor, motion carried.
- b) Financial Reports for month ending April 30, 2015
Mayor Pro Tem Deason stated that the financials were three weeks old and then asked how much money was in the account now. Susan Heinz stated that the balance in the General Fund Account as of May 20 was \$5745.46. Mayor Pro Tem Deason verified that there was money enough to pay the current bills, Susan Heinz stated that there was. Mayor Pro Tem Deason asked if all were in favor of accepting the financial report. All voted aye, the financial reports were approved.
- c) Building Inspection Report and payment in the amount of \$169.50
Alderman Mullendore made a motion to accept the Building Inspector's fees in the amount of \$169.50, Alderman Stachowiak seconded. All voted in favor, motion carried.
- d) Payment to Rentfro Law Firm in the amount of \$187.50
Alderman Lowder made a motion to pay the Rentfro Law firm in the amount of \$187.50, Alderman Lewis seconded. All voted in favor, motion carried.
- e) Payment to LRGVDC in the amount of \$20.15
Mayor Pro Tem Deason then brought up the LRGVDC billing. Alderman Mullendore asked if this was the one that comes up every year, he was informed that it was, he then stated we never pay it and so he made a motion that we don't pay it this year. He was then informed that the Town does pay it every year. Mayor Pro Tem Deason then stated that he doesn't like to pay it, he doesn't feel the LRGVDC does anything for the Town of Bayview. There was more discussion about this billing, Mayor Pro Tem Deason explaining why he doesn't agree with them. Mayor Pro Tem Deason seconded Alderman Mullendore's

motion to not pay the billing, Alderman Stachowiak, Alderman Lowder, Mayor Pro Tem Deason and Alderman Mullendore were for not paying the bill, Alderman Lewis abstained from voting. Motion carried to not pay the bill.

Discussion Items

9. With Jeneria Lewis' election as Alderman, the make-up of the Building & Standards Commission will not be in accordance with the ordinance because now there are three (3) board members and the ordinance states only two (2) Board members may service on the Commission. Mayor Pro Tem Deason proposed a solution and there were objections from Alderman Lowder and Alderman Lewis asking if he was going to change the Ordinance. Mayor Pro Tem Deason asked how they were going to solve this, and then asked Alderman Lowder if he was going to step down. Alderman Lowder said that he would step down from the B&SC. Mayor Pro Tem Deason said problem solved. Alderman Lewis then stated that a note needed to be sent from the Town asking for volunteers. Alderman Lewis requested that Alderman Lowder send her a written notice that he was stepping down.
10. Discussion Updates:
 - a) Update on Cornerstone Church Special Use Permit application review, there are still some items that still need to be furnished to the Town, so nothing is moving forward until then
 - b) Update on the Los Fresnos Volunteer Fire Department, the project can't go forward until the Interlocal Agreement has been signed. Town Attorney, David Irwin wants a paragraph added 'indemnifying the Town for any injuries from the station operation'. Mayor Pro Tem Deason proposed that the Town waive the permit fees for the fire station project and that the Town compensate Cliff his fees. Mayor Pro Tem Deason would also like to see if TX Dot would put a caution light at the drive
11. Citizen Complaints:
 - a) Loose dogs behaving aggressively. Mayor Rodino had sent a letter to the German Shepherd owners at 133 N. San Roman, as well as sending the letter to the Cameron County Animal department. Discussion about the two loose Labs running around on N. San Roman.
12. Reports:
 - a) Building & Standards Commission: No report
 - b) Emergency Management: No report
 - c) Cameron County Coastal Task Force: No report

Adjourn

The Regular Meeting of the Board of Alderman was adjourned at 9:00 p.m.

Executive Session

The Executive Session was called to order at 9:05 p.m.

Adjourn

The Executive Session was adjourned at 9:10 p.m.

Resume Open Meeting

The regular meeting was re-opened at 9:12 p.m. There was no action in the Executive Session.

Adjourn

The regular meeting was adjourned at 9:15 p.m.



Thomas Rodino, Mayor



Susan Heinz, Town Secretary