

**MINUTES OF THE PUBLIC HEARING AND REGULAR  
MEETING OF THE BOARD OF ALDERMEN  
TOWN OF BAYVIEW, TEXAS  
Held at  
104 S. San Roman, Bayview, Texas  
on  
June 18, 2015**

**Public Hearing on the proposed revision of Article X, Permits, of the Town's Zoning Ordinances relating to building permits and related inspections**

1. The Public Hearing was called to order at 6:30 p.m. by Mayor Tom Rodino
2. Mayor Rodino welcomed those present stating the reason for the Public Hearing was to hear input from residents regarding proposed revision of Article X, Permits, of the Town Zoning Ordinance. The proposed text of the Ordinance was sent out with the meeting notice.
3. Mayor Rodino then asked for public comments, reminding everyone of the 3 minute time limit.
  - a) Gus Garza – Feels the current wording of the Ordinance will make it more difficult to hire help, the ordinance is over-burdensome.
  - b) Ron Heinz – Suggested that a sentence be inserted in the beginning stating that this Ordinance replaces all other Permit ordinances. He is opposed to registration of contractors and feels it shows favoritism and will make it difficult for the residents to hire the people they want. He had concerns that the bond and insurance requirements are duplicative and the bond requirement not clearly explained. Article VII regarding new electrical service is not clear; there is no need for a concrete driveway when none is required for asphalt; permitting should not be required for excavation for irrigation systems; he questioned the need for enclosed foundation and monolithic slabs for accessory buildings; and, noted that the ordinance does not address pole barns.
  - c) Annie Wallace – Does not think contractors should have to pay a fee to be listed on the Town website. She also questioned why the Town is raising the fees and feels there is still a lot of ambiguity in the wording of the ordinance. One example was the wording that a guesthouse or servant's quarters could not be built until the main residence was started, but "started" is not defined. She doesn't understand the purpose of the bond; and asked if it's to protect Town infrastructure, how does that apply to on a state road, not a town road?
  - d) Roman Guzman – questioned why a building such as small as a shed required a concrete slab with rebar. Feels the rules are getting stricter.
  - e) Mike Wallace – Feels the contractor registration will hamper all of the citizens and make work more expensive. He also stated there is a lot of ambiguity in the ordinance language.

4. The Public Hearing was adjourned at 6:46 p.m.

## **Regular Meeting**

### **General**

1. The Regular meeting was called to order at 6:47 p.m. Those present were Mayor Rodino, Aldermen Lowder, Lewis, Mullendore, Stachowiak, and Deason, and Town Secretary, Susan Heinz.
2. Mayor Rodino led those present in the Pledge of Allegiance and welcomed those present, including the property owners Mr. & Mrs. Garcia.
3. Mayor Rodino announced a program called State of Texas Emergency Assistance Registration program for persons who might need assistance in a hurricane evacuation situation. Information is available on line by searching for STEAR, or by telephone by dialing 211. He then asked for any public comments.
  - a) Ron Heinz – Stated that the proposed ordinance is much clearer than what exists today and he appreciated the effort that has gone into it.
  - b) Gus Garza – spoke against the ordinance, he feels the Town has no way to enforce it.
  - c) Susan Heinz, Town Secretary — read a letter of resignation, stating that she enjoyed working for the residents but felt that she was in a hostile and disrespectful environment created by the accusations of wrongdoing from Alderman Deason and other Board members. She requested that a copy of her letter be made part of the permanent record of the town minutes as well as her personnel file. She then turned over the Town's debit card to the Mayor. At the Mayor's request she agreed to stay long enough to finish work in progress and aid an orderly transition.
  - d) Annie Wallace – Thanked Susan for her service to the Town and also was critical of what she described as unprofessional behavior of certain board members.
  - e) Janis Silveri – Stated that she served as Town Secretary at one time. She thanked Susan for her service and also was critical of the behavior of one member.
  - f) Mayor Rodino read a letter of resignation delivered to him from volunteer bookkeeper Konnie Hooton who had logged 635 volunteer hours, She stated that she was resigning as a result of a hostile work environment she attributed to Alderman Deason. She stated she will inform the Town's auditors that as of June 22, 2015 she will no longer be responsible for the Town's books.
  - g) Gus Garza – asked Alderman Deason to resign.
  - h) Ron Heinz – stated that Alderman Deason should resign

- i) Aida Mullendore – Stated that she was a poll watcher at the recent election and she has started coming to the Board meetings; she commented feels the meetings need to be more civilized and not attack individuals including Alderman Deason. doesn't feel anyone should resign.
- j) Annie Wallace – Rose to respond to Aida Mullendore. Mayor Rodino stopped her and reminded her that any comments get addressed to the Board, not other speakers.
- k) Jim Makara – Stated that he feels the comments are a result of the election outcome and individuals should be attacked.
- l) Bonnie Gibbons – Reminded the Board of the 3 minute limit on public comments.

Mayor Rodino closed the public comment section of the meeting.

Alderman Deason objected stating that personal comments directed at individuals during the public comment section should not have been allowed and that he was not allowed to respond to them.

### **Action Items**

**Old business: None**

### **New Business:**

- 4. Approval of the Consent Agenda: Alderman Deason asked that all items be separated.
  - a) Minutes of the Regular meeting of May 21, 2015. Alderman Lowder made a motion to accept the minutes. Alderman Mullendore seconded. All voted in favor; motion carried.
  - b) Minutes of the Special Meeting of June 1, 2015. Alderman Deason requested that the minutes be listened to again, particularly Item 4, and that the minutes be brought back before the Board for approval. The minutes will be reviewed and carried over to the next meeting.
  - c) Financial reports for month ending May. Alderman Deason asked about the cash projection for a new home start with estimated permit fees of \$1,850.00. Susan Heinz explained he was looking at the cash projection for the end of the fiscal year, September 30; she had been in contact with a contractor preparing plans for a new home on Centerline and anticipated that he would apply for the permit before September. Alderman Deason questioned why there was no projection for office supplies, publications, repairs or maintenance; Mayor Rodino noted that there are no projected needs. Alderman Deason asked about the 112 hours for the next three months for the secretary; Mayor Rodino said it's an estimate hoping we'll have the position filled quickly. Mayor Rodino stated that the outstanding tax amount from 2013 due the Town of Bayview was now down around \$1,665.00, thanks to action from the Appraisal District. Alderman Lowder

made a motion to accept the financials. Alderman Lewis seconded. All voted in favor. Motion carried.

- d) Building Inspection Report and fees due in the amount of \$1,235.50. Alderman Lowder made a motion to approve, Alderman Mullendore seconded. All voted in favor. Motion carried.
  - e) Rentfro Law Firm billing in the amount of \$212.50. Alderman Deason questioned a call on the billing to the Franke Law Firm. Mayor Rodino explained that Mr. Franke had questions Mayor Rodino couldn't answer about a debt owed to the Town from an old lien and he asked David Irwin to respond. Alderman Mullendore made a motion to approve the payment. Alderman Deason seconded. All voted in favor. Motion carried.
  - f) Payment of CAD quarterly tax assessment in the amount of \$303.25. Alderman Deason made a motion to approve payment. Alderman Stachowiak seconded. Motion carried.
5. Discussion and possible action on approving the contract with I.M. Services for speed hump installation on N. San Roman and the transfer of \$6,000.00 from the NSR Speed Hump account to the General Fund to pay the contractor. Mayor Rodino explained that I.M. Services had not gotten back with the town with the contract papers nor a start date. Another contractor had come forward asking to make a bid. Alderman Lowder stated that Steve Hester was meeting with the contractor and they would probably have a bid later that night. Mayor Rodino tabled this item.
6. Discussion and possible action on the proposed revision of the Section X Permit ordinance. Alderman Stachowiak stated that he knows there are still a lot of questions regarding the ordinance, items that still need to be clarified, and that it will probably always be a work in progress. He explained that the bond requirements were only for construction which required a permit. He also addressed the requirement that the reasoning for why contractors should be registered with the Town and be listed on the website. The fee would cover administrative costs. He also addressed the permit fee schedule noting that fees were not increased, but were actually lowered for the most part. Alderman Deason presented another revision of the proposed ordinance with several additional changes. Alderman Lowder addressed the registration fee for contractors, stating that it is already hard to get contractors to come to Bayview and questioned if this was necessary. There was quite a bit of discussion regarding the fee for registration and placement on the web-site. Mayor Rodino asked if it was a one-time registration forever or yearly. Alderman Deason both stated that the registration fee was yearly coinciding with the contractor's bonding. Susan Heinz then asked if a bill was to be sent to that contractor when his bond expired and was told no, that would not be the case. Alderman Lowder stressed that the need to clarify exactly what it was for. Alderman Lewis questioned the trenching language in the proposed ordinance. It was mentioned that there is a call before you dig rule that applies throughout the state.

There also was discussion concerning the version of the International Residential Code the Town should adopt.

Mayor Rodino asked if there was enough information to have a final draft ready for the next meeting. Alderman Deason stated he wanted the Board to act on an updated draft and make decision on approval at this meeting.

Alderman Mullendore stated that he does not feel the registration fee is excessive. Alderman Deason asked if Alderman Mullendore would make a motion to approve the \$75.00 registration fee, Alderman Mullendore so moved. Alderman Lewis seconded. Aldermen Lewis, Mullendore, Stachowiak and Deason voted for. Alderman Lowder voted against. Motion to approve the \$75.00 registration fee was passed.

Alderman Deason made a motion to take the examples of the permit fees out of the ordinance. Alderman Lewis seconded. All voted in favor. Motion carried.

Mayor Rodino asked if there were any other major changes. Alderman Deason made a motion to accept the removal of the language “The Town wishes to encourage property owners to maintain their properties as they see fit within the guidelines set forth by this ordinance.” Alderman Lewis seconded. All voted in favor. Motion carried.

Alderman Deason then addressed the language added, Section 2, Policies, “in the event any Town Ordinances and/or codes conflict, the more stringent restriction or requirement shall prevail”. Alderman Lewis made a motion to include this language in the ordinance. All voted in favor. Motion carried.

Mayor Rodino asked when the final version would be ready. Alderman Deason then stated he would like the Board to accept the version as written and amended during the discussions and then get the cleaned up version out before Monday . Alderman Lowder questioned this action. Mayor Rodino asked for a motion to approve subject to adjustments which had been discussed. Alderman Deason made that motion, Alderman Stachowiak seconded. All voted in favor except Alderman Lowder who abstained. Motion carried.

7. Discussion and possible action on approval of a draft of the proposed Bayview Zoning Ordinances, Article II, Section 13: Residential Wind Energy Conversion Systems (windmills) and approval or rejection of moving forward to a public hearing at the July 16<sup>th</sup> meeting with the proposed ordinance. Alderman Stachowiak asked to table this item until the regular August Board meeting; all concurred.

8. Discussion and possible action on referring the complaints about two dogs at 133 N. San Roman running loose and behaving aggressively, to the Building and Standards Commission. Mayor Rodino stated that the dogs at this time were being restrained by tethers in the owners' yard. There was discussion on this matter, Mayor Rodino detailing that letters had been sent both certified mail and regular mail. Alderman Lewis expressed some concerns about bringing the issue before the Building and Standards

due to the extremely high cost of having a hearing. Discussion focused on the point that any action would set a precedent and that the Board should consider how the Town should deal with these matters. There was no action taken on this item, with Mayor Rodino stating he would follow up with the dogs' owners.

9. Discussion and possible action of matters regarding the administrative duties and conduct of the Town Secretary along with the Secretary's responsibilities as election supervisor. Alderman Mullendore initiated discussion of a complaint that had been filed with the Texas Secretary of State regarding election procedure violations by the Town Secretary. Mayor Rodino cut off discussion, stating that after speaking with the Town Attorney the Board has no basis for discussing the matter until the Secretary of State has acted. Mayor Rodino then asked about administrative duties and conduct of the Town Secretary, asking if there were complaints about the Town Secretary other than the election issue. Alderman Mullendore stated that he was not aware of any other complaints. Mayor Rodino asked members of the Board if there were any complaints; there were none noting only two minor issues regarding emails sent to the Town distribution list, one at the request of an Alderman and the other at the request of a resident. There was no action on the item.

#### **Discussion Items:**

10. Update on Cornerstone Church/Laguna Madre Christian Academy Special Use Permit application review: Mayor Rodino stated that the Town is not the hold-up on this permit; we were still waiting on information from the church. The Building Inspector is reviewing the plans that were submitted.

11. Update on the Los Fresnos Volunteer Fire Department Bayview Fire Station Project: Work is underway on the slab; completion date is not yet specified..

12. Update on FM 2480 road work: Mayor Rodino stated he was trying to get a completion date from the contractor so that the Town parking lot could be finished along with the driveway for the Fire Department. TXDOT is inspecting every day, is aware of the where the base is showing through, other work that is still incomplete; drainage ditches are the highest priority. Final completion could take several more months.

13. Need for continued participation in the Lower Rio Grande Valley Development Council programs: Mayor Rodino explained why it was important for the Town to participate in the LRGVDC. There was further discussion, with Alderman Deason being against this membership.

14. Reports:

a) Building & Standards Commission: Alderman Lowder has resigned his seat on the Commission as an Alternate. Alderman Lewis stated they are not going to

replace him, but wait until September since the current terms for the full Commission expire in August.

- b) Emergency Management: Mayor Rodino reminded everyone that hurricane season had begun and we had already had 2 named storms. He also again mentioned the STEAR/211 registration program for people who need help during an evacuation.
- c) Cameron County Coastal Task Force: Cameron County is one of the entities participating in a regional watershed program to improve water quality in the resacas and other waters. Bayview has been invited to attend a start-up meeting on June 25 in Rancho Viejo and Mayor Rodino plans on attending.

**Adjourn**

The regular meeting of the Board of Alderman was adjourned at 8:40 p.m. after a motion from Alderman Lowder, seconded by Alderman Mullendore. All voted in favor.

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Leon A. Deason, Mayor Pro Tem

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Julia Reber, Town Secretary

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Date

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Date