

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

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

July 16, 2015

Regular Meeting

1. The regular meeting was called to order at 6:32 p.m. by Mayor Rodino. Those present were Aldermen Lowder, Lewis, and Deason. Bonnie Gibbons acted as secretary.
2. Mayor Rodino led those present in the Pledge of Allegiance.
3. Mayor Rodino thanked those present for attending and said he hoped there wouldn't be another less than ideal opening to the meeting as occurred last month. Naming individuals in complaints shouldn't occur. He said there are a whole bunch of people on this side of the table and they should make sure that these kind of situations don't happen again. He was stepping down as Mayor purely because of the demands of his business and that he could not give proper attention to both. An orderly transition will be started with the Mayor Pro Tem Deason. He then asked for other public comments. Bob Steenbock, S. San Roman, reported finding a credit card and asked if anyone knew the owner. A neighbor said they would deliver it to her.

Adjourn

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

Executive Session

The Town Council went into Executive Session as authorized by Subchapter D of the Open Meetings Act regarding:

4. Section 551-071: Consultation with Attorneys on matters related to the Cornerstone Church lawsuit against the Town.
5. Section 551.074: Personnel Matters regarding consideration of applicants for the Town Secretary/Bookkeeper (positions).

Resume Open Meeting

The regular meeting was reconvened at 7:12 p.m.

Action Items

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

None.

New Business:

7. Discussion and possible action on the Cornerstone Church / Laguna Madre Christian Academy application for a Special Use Permit (SUP) for property in the Madison Grove Subdivision:

- a. Update on the status of the application process and the materials and documentation required to be submitted specified in the Town's SUP ordinance.
- b. Status of the Town's review of the materials submitted for the permit process including plans and reports.
- c. Review of outstanding requirements.
- d. Anticipated actions and action dates.
- f. Scheduling of a Public Hearing on the application as specified in the Town's SUP ordinance on or about August 20, 2015.
- g. Action on matters discussed in the Executive Session, if any.

Mayor Rodino said that after a meeting with Pastor Musser, a list of the outstanding requirements was given to the Pastor and the ordinances were gone through item by item. A traffic and building structural analysis will be due by August 13, 2015. Alderman Lowder moved to schedule a Public Hearing on the application before the regular meeting August 20, 2015 as was discussed in the Executive Session. Alderman Lewis seconded the motion. All voted in favor. Motion passed.

8. Approval of the Consent Agenda: Note: Items in the consent agenda will be approved as a group without discussion unless an Officer or the report presenter specifically requests that an item or items be separated from the consent agenda for discussion or other action individually:

- a. Minutes of the June 1, 2015 special meeting. There were no corrections to the June 1, 2015 minutes
- b. Minutes of the June 18, 2015 regular meeting. Alderman Lewis requested that the address of 131 Chachalaca be included in item # 4 e of the June 18, 2015 minutes although this was not stated at the meeting so it was not part of the minutes.

There was a discussion of item # 6 concerning the versions of the International Residential Code the Town should adopt, the language in the proposed version of Article X calling for the current version of the IRC. Alderman Lewis read from a statement that wasn't read at the June 18, 2015 meeting, recommending that "the Town adopt code enforcement policies that meet the Texas minimum (IRC 2003); the Texas Windstorm Resistant Construction Guide promulgated by TWIA (effective April 1, 2001) which addresses situations not covered in the IRC codes such as Pole Barn construction. She selected these policies: 1) for their similarity to other local towns and cities; 2) because of the cost savings to the

Town in purchasing the annually updated IRC Code books; 3) in allowing the Town access to a larger pool of Building Inspectors in the event the contracted inspector is unavailable or presents a conflict of interest 4) because of the heavy-handed regulations included in subsequent editions of the IRC code, 5) and because she could not find any town or city in Texas that has adopted the current version of IRC.”

On item # 8, concerning loose dogs in Bayview, Alderman Lewis expressed concerns about bringing the issue before the Building and Standards Commission due to the high cost of holding hearings that she estimated at \$700. She also stated that before setting a Building and Standards Commission precedent for hearing complaints about loose dogs, that Bayview needed to establish and publish specific, detailed guidelines for the residents to follow.

Alderman Deason commented on item # 6 in the permit section, stating that Alderman Stachowiak explained that the bond requirements were also to hold contractors accountable to the Town’s ordinances and that was part of the reason for the permit. This was left out of the minutes. Alderman Stachowiak also addressed the reason that contractors should be registered with the Town saying, “We want everyone to be safe and keep the appearance of the Town.” In addition, the bottom of the minutes read “Alderman Deason both stated” and it should read Aldermen Deason and Stachowiak both stated that the registration fees coincide with the contractor’s bonding.

These additions and changes to the June 18, 2015 minutes will be carried over to the next meeting for approval to ensure that they are included.

Alderman Lowder moved to approve the June 1, 2015 minutes. Alderman Lewis seconded. All voted in favor. Motion carried.

c. Minutes of the June 27, 2015 special meeting. Alderman Lewis moved to approve the June 27, 2015 minutes. Alderman Deason seconded. All approved. Motion carried.

d. Financial reports for May 2015 Mayor Rodino corrected item # 8-d to read Financial reports for June rather than May. Alderman Deason said the third page of the bank statement, that showed the canceled checks, was not sent out.

Alderman Deason also pointed out that the \$600 for Cornerstone Church’s special use permit application fee was posted in the Building Inspector’s report and should be taken out.

Alderman Deason also questioned the \$825 in the Fines and Fees section of the financial report. Mayor Rodino stated that the \$600 from the SUP fee was part of it but could not account for the remaining \$225.00

Alderman Deason reiterated that the Town was overspent on public notices and office supplies in the year’s budget so any future expenditures would need approval by the Board. Other areas would need to be watched as well.

Discussion followed. Mayor Rodino suggested annotating the reports to make it clear what the item was. Alderman Deason restated that the \$600 should be removed from the Building Inspector's report.

Alderman Lewis moved to accept the financial reports with the two clarifications. Alderman Lowder seconded. Motion approved.

e. Building Inspection Report and payment in the amount of \$131.50. The Building Inspection Report included a couple of small jobs Mayor Rodino explained. Cornerstone Church's application fee will be backed out and he apologized for not catching that one earlier. A motion to approve the Building Inspector fee for \$131.50 with the one correction identified was made by Alderman Deason and seconded by Alderman Lowder. All voted in favor of the motion. Motion passed.

f. Renfro Law Firm billing in the amount of \$93.75. A motion to approve the bill from the Renfro Law firm in the amount of \$93.75 was made by Alderman Deason and seconded by Alderman Lewis. All voted in favor. Motion approved.

9. Discussion and possible action on transferring the \$1,000 balance of the N. San Roman Speed Humps Funds from that account to the General Fund to facilitate payment for work and materials. Mayor Rodino acknowledged that it should have been \$7000 that was set aside in the account for the project. Ten speed humps were installed for \$6250. All signs and poles were used. Alderman Lowder said the balance would be used to buy additional poles and signs and moved to transfer the balance. Alderman Lewis seconded. Motion passed unanimously.

10. Discussion and possible action of posting in three public locations within the Town or publishing in the Los Fresnos newspaper a notice of the revision of Zoning Ordinance Article X - Permits. , Mayor Rodino explained that there are only two places to post notices in the Town: the Town's bulletin board and that of the Irrigation District. Alderman Deason asked whether the web site counted; it does not. He said in the past a notice was published in the paper stating the entire ordinance was on the web site and then it was posted on both bulletin boards in Town. Mayor Rodino agreed and said they would incur an \$82 expense.

Alderman Deason asked if the Special Use Permit Ordinance was published in the paper. Mayor Rodino answered that it was.

Alderman Lewis stated, "what is on the web site is the unapproved version of Article X and what was presented to the Town on 6/11 was different from what Alderman Deason sent out and needs to be corrected." Discussion followed. Alderman Deason thought that the signed and dated document should be posted to the web site after it is published and then inserted in the ordinance book. Now the one posted is not dated. Mayor Rodino agreed and said it would be done.

Alderman Deason said a vote would be needed to publish in the newspaper since they were over budget on that item. Discussion followed. Mayor Rodino asked for a motion to publish in the Los Fresnos newspaper a notice of the revision of Zoning Ordinance

Article X - Permits. Alderman Deason so moved seconded by Alderman Lowder. All voted in favor. Motion passed.

11. Discussion and possible action on a proposed amendment to Article II of the Town's Zoning Ordinances to address Residential Wind Energy Conversion Systems (Windmills) and scheduling of a Public Hearing on August 20, 2015. Mayor Rodino recommended that discussion of this be carried over to the August meeting and a Public Hearing be held in September since a Public Hearing is to be held at the August meeting for the Cornerstone Church Special Use application. Alderman Deason requested that everyone go over Alderman Stachowiak's version and submit additions or subtractions. Alderman Lowder thought it needed to be narrowed down. He suggested putting it on the agenda for the next meeting. Mayor Rodino agreed.

12. Discussion and possible action on the acceptance of the resignation of Susan Heinz, Town Secretary, and Konnie Hooton, Town Bookkeeper. Mayor Rodino pointed out that Susan Heinz signed an at will employment clause so formally accepting her resignation was futile. Alderman Lowder agreed. Alderman Deason pointed out that both had taken an oath of office and were officers of the Town. Mayor Rodino replied that that was a good point! Alderman Deason moved to accept their resignation. Seconded by Alderman Lewis. All voted in favor. Formally accepted. Mayor Rodino noted that all in the future should take an oath of office.

13. Discussion and possible action on changes to the job description criteria for the Town Secretary. Alderman Lewis moved to accept the job description submitted by Alderman Deason as amended. Alderman Deason seconded. Motion passed unanimously.

14. Discussion and possible action on changes to the job description criteria for the Town Bookkeeper. Konnie sent out a list of duties but since the Aldermen didn't have copies with them and the job had never been separated from the Secretary, Mayor Rodino recommended no action be taken.

15. Discussion and possible action on of adopting an employment process procedure and a job application form for all job applicants. The mayor said a generic form is used and needs to be updated. Alderman Lewis devised a simple one that includes a criminal background check, an at will employment clause, and a release of information for criminal background checks. Alderman Lowder said it was what was used in his office. Alderman Deason concurred and moved to accept the 6/26 version as the Town of Bayview's Application for Secretary. Alderman Lewis seconded. All were in favor.

The Mayor suggested including at the top of Alderman Deason's employment process form supersedes the old one. Alderman Lewis cleaned up the language and format but didn't send out the form so passed around her copy for the Alderman to see. Discussion went to item 16 in the meantime.

16. Discussion and possible action on considering candidates who have applied for the Town Secretary and/or Town Bookkeeper position(s). Mayor Rodino said 2 applications were received. As was discussed in the Executive Session, another e-mail will be sent out and a firm application deadline of July 30 will be set and August 6 will tentatively be scheduled for a special meeting to review the candidates. Alderman Lowder moved to accept these dates and Alderman Lewis seconded. Motion passed unanimously.

Returning to item 15 and The Town of Bayview Policy and Procedure for Process and Procedures for Employing Town Personnel, Alderman Deason moved to accept this as amended. Alderman Lewis seconded. All voted in favor. Alderman Lewis will send out clean copies.

17. Discussion and possible action on developing a formal policy and process retention and storage of Town of Bayview files and documents. Mayor Rodino said a process was started to label the office files according to the State Library and Archives Commission standards of record retention. Records were labeled and organized into books and all the files are in the office and on the computer. He feels strongly that an off site backup system is needed. Now files are backed up on a flash drive.

Alderman Deason suggested three possibilities: an external disk drive, a macro reflex backup software, or a drive backup service, which would be in the cloud. Aldermen Lewis and Deason mentioned problems using only a flash drive and backing it up. Alderman Lowder asked for ideas from the audience. Alderman Deason proposed that everybody look into this and suggested tabling this item until the next meeting. Motion tabled.

18. Discussion and possible action on adding a "future agenda items" section to the meeting agenda. Mayor Rodino said this was the attorney's suggestion. Alderman Lewis sent out an addition, item 7, to the agenda policy that is in place to facilitate the building of the agenda for future meetings. It reads: "In addition to the six previous points, a permanent line item, Future Agenda Items, will be included at the end of every agenda. Any current member of the Board in good standing may add one agenda item to the agenda of a future meeting specified by that Alderman. No agenda item added by an Alderman may be removed, altered or modified without the written consent of the Alderman adding the agenda item unless the language or content of the agenda item conflicts with state or local laws." A motion to update the December 19, 2013 Agenda Policy and Procedures to include item 7 was made by Alderman Deason and seconded by Alderman Lewis. All voted in favor.

19. Discussion and possible action on accepting the resignation of Tom Rodino from the office of Mayor effective August 20, 2015. Mayor Rodino said he is resigning because his business has picked up and he is unable to do two full time jobs. The Town's business is suffering because of the demands so he is stepping down. His letter of resignation was submitted effective August 20, 2015. He will continue as Emergency Management Coordinator until another person is found. A special election will be held for a new Mayor and Mayor Rodino will reimburse the Town for the expenses.

Aldermen Deason and Lowder thanked him. Alderman Lowder moved to accept his resignation. Alderman Deason seconded. Motion carried unanimously.

Discussion Items:

20. Follow-up on the windstorm insurance policy for the Town Office building that has not been completed. The Mayor explained that it was thought that the building came with a windstorm certification but the paperwork received wasn't the Form WTI-8 that was required for Windstorm Insurance. He investigated what was necessary to get the form completed. Alderman Deason asked if it had been sent out to the Board. Mayor Rodino said it was on the original budget but he found out it would cost substantially more than what was budgeted so it was set aside and never finished. Alderman Lowder said the Town has a certificate from Royal saying the building itself is windstorm certified, but we don't have the WTI-8 that states the building meets the codes. Mayor Rodino recommended seeing if the Town could piggyback with the fire department on inspection expenses for certification. He said he lost the file and then lost tracking it. He doesn't recommend being self-insured.

21. Status of the N. San Roman speed hump project. Mayor Rodino recommended driving slower than 25 mph over the ten speed humps. Costs are being tracked on a spreadsheet with a budgeted amount of \$7000 and expenses of \$6564.63. A solution to driving around the speed humps is necessary. Alderman Deason added something has to be done about Valencia with the potholes and cars going around the speed humps.

The Mayor said the contractor would be paid \$5650 and the \$600 balance would be transferred. A few more signs and poles will be bought. The project is on budget. He thanked those involved with the project. Alderman Lowder noted the contractor also filled in some potholes.

22. Status of the Los Fresnos Fire Department Bayview Fire Station Project. The mayor said the caliche ramp will probably not be moved until the Los Fresnos Fire Department sees what will happen with the Town's parking lot. The LFFD's building kit is supposed to arrive July 22nd or 23rd.

23. Update on the FM2480 roadwork and related matters. The drainage work is being finished and TXDOT will fill the bare spots when they seal coat Old Port Road (FM2480) the Mayor reported. Work should be finished by the end of August. If there is a problem with drainage ditches, he asked residents to take pictures so the town could get someone out here to take care of it.

24. Status of the parking area project for the Town Office. The Mayor said IOC Company will seal coat the bridge with completion by August. For the parking area they plan to grade, level, and compact it. Alderman Deason suggested talking to the chief and David Garza to get an interlocal agreement to see if some oil could be spread.

FUTURE AGENDA: None.

REPORTS:

25. Building and Standards Commission– Alderman Lewis reminded everyone that all positions on Building & Standards would be up for reelection in September and there was no term limit. She will draft an announcement to be sent out asking for applicants.

26. Emergency Management – Mayor Rodino reported on the hazardous liquid pipelines near town. A file is available to inform the town. The wind farm is going in off of 1847.

27. Cameron County Coastal Task Force – The state is getting some money from the BP deepwater horizon suit but Bayview will likely receive none the Mayor reported.

Adjourn.

The regular meeting of the Board of Alderman was adjourned at 8:38 p.m. with a motion from Alderman Deason and a second from Alderman Lewis. All voted in favor. Motion passed.

Leon A. Deason, Mayor Pro Tem

Julia Reber, Town Secretary

Date

Date

