

**MINUTES OF THE REGULAR  
MEETING OF THE BOARD OF ALDERMEN  
TOWN OF BAYVIEW, TEXAS  
104 S. San Roman, Bayview, Texas  
August 20, 2015 at 6:30 p.m.**

**PUBLIC HEARING:**

1. Mayor Pro Tem Deason called the Public Hearing to order at 6:30 p.m.
2. Mayor Pro Tem Deason welcomed those in attendance.
3. Mayor Pro Tem Deason summarized the federal court case against the Town where Cornerstone Church and Laguna Madre Christian Academy sought to change the Town's ordinances to allow churches and schools in residential districts. In a court approved ruling, the Town approved an agreement with the Church and their attorneys to issue a Special Use Permit allowing them in the Town's residential districts under the Special Use Ordinance #2015-02-05 approved by the Board on February 5, 2015. Mayor Pro Tem Deason then asked for public comments.

There were no comments.

4. The Public Hearing was adjourned.

**REGULAR MEETING:**

**General**

1. Mayor Pro Tem Deason called the Regular Meeting to order at 6:32 p.m. Those present were Mayor Pro Tem Deason, Aldermen Mullendore, Lowder, Lewis, Stachowiak, and Town Secretary Julia Reber.
2. Mayor Pro Tem Deason led those present in the Pledge of Allegiance.
3. Mayor Pro Tem Deason thanked those present for attending.
4. Mayor Pro Tem Deason asked for any public comments and began by introducing the new Town Secretary Julia Reber.
  - a. Bob Steenbock of South San Roman expressed concerns about the North San Roman project and the Town's liability for damage to cars. He discovered that we have speed bumps, not humps which are wider and more gradual than are speed bumps. The problem is that TXDOT recommends that speed bumps be only installed on private roads and speed humps be installed on residential streets. He thinks the signage is misleading with regulatory signs placed under advisory signs. The signs do not follow TXDOT's guidelines for advisory signs and are confusing.

The Mayor Pro Tem said the speed bumps should have been the same dimensions as the speed **humps** on North Valencia, but weren't which was the cause of the signage issues. The NorthValencia humps were determined to be drivable at 25 mph per the engineer. The Town will correct the signage.

- b. Tom Rodino of Calle Conejo agreed the humps were to be the same as those on North Valencia. The volunteers got the bill and they looked ok and they thought the edges would settle a little which didn't happen, he said; that was one of the issues there. Also, Mr.

Rodino asked the Board to address the 2016 proposed tax with the County's breakout of the rates, as it is a 5% to 9 % reduction in the Town's ad valorem tax rate.

The Mayor Pro Tem replied the date to set the tax rate is on the agenda tonight and discussion of setting the tax rate is different due to notifying the paper.

Alderman Lowder read a statement: "As we all know, Mayor Tom Rodino recently resigned as Bayview's city Mayor for personal reasons. Tom was in charge when the town had a number of serious challenges. He worked to try to professionally guide the town government toward solutions even with the reality of contentious division with his Board of aldermen. We thank him for his volunteer efforts and time he gave to try to help Bayview. Thank you again Tom."

## **ACTION ITEMS**

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

*5. Discussion and possible action of reaffirming the Brownsville ETJ interlocal agreement.*

Mayor Pro Tem Deason pointed out on a map how the Brownsville and the Los Fresnos city limits surround Bayview. A new state law states that if a town is completely surrounded by a city then the city will have to withdraw 2 miles. Because of this, and because he has a meeting with Brownville's city manager next week, the Mayor Pro Tem would like to postpone the vote approving the ratification of the agreement until after their discussion.

Alderman Mullendore so moved. Alderman Stachowiak seconded. All voted in favor. Motion carried.

*6. Discussion and possible action for Manuel Flores providing windstorm certification for the new building at a cost of approximately \$800.00.* The Mayor Pro Tem reported that the Town Office never had a windstorm certification and thus no windstorm coverage. Mr. Flores submitted a quote of \$800 to certify the building since it was more difficult to inspect a finished building and consequently more expensive. The funding would come from the ad valorem account rather than the General Fund. Alderman Lowder moved to approve \$800 from the ad valorem account to pay Mr. Flores to complete a windstorm certification on the building. Alderman Mullendore seconded. All voted in favor. Motion carried.

*7. Discussion and possible action to move any proposed amendments to the Burn Ordinance to a public hearing at the September 17, 2015 meeting with action to be taken on the amendments in the open meeting.* Alderman Lewis stated that although the burning permit period was more generous, the consequences were increased for burning without a permit and for failing to call the Los Fresnos Volunteer Fire Department (LFVFD) before burning. Added to the Burn Ordinance was the revocation of the one year burn permit privilege for an additional year if the LFVFD was not called before burning. Those having their permits revoked would only be able to burn using a one day permit during the revocation period.

Mayor Pro Tem Deason questioned how enforcement would occur if there were a failure to call the fire department and how State, County, and local fines and administrative costs would be imposed as stated on the burn permit application. Alderman Lewis explained the role of the

State and County in assessing fines and that of the Building & Standards Commission. Discussion followed on a) how to determine if one failed to call the LFVFD and b) how to clarify the enforcement language in the application.

After item 13, the Mayor Pro Tem returned to item 7. Alderman Lewis made a motion that the proposed amendments to the Burn Ordinance be moved to a public hearing at the September 17, 2015 meeting. Alderman Mullendore seconded. All voted in favor.

**New Business:**

8. *Discussion and approval or rejection of the Cornerstone Church/Laguna Madre Christian Academy Special Use Permit Application.* Mayor Pro Tem Deason stated that the Church had not provided the application requirements that the Town had repeatedly requested. The Ordinance requires “A traffic management plan and written certification by a professional engineer that the roads and streets leading to the site are suitable for the average and peak traffic loads.” The Board had requested that the plan be delivered to them by August 13, 2015 and what was received was sent last night (August 19, 2015) to the Town’s attorney. It was a one day traffic data study, undated, showing nothing about how the data would result in a traffic plan. Also not completed was certification from a registered professional engineer that the proposed design and construction of structures on the property satisfy all applicable State, County and Bayview requirements for the proposed use.

The Town’s attorney interjected that he expected to receive that information no later than September 10, 2015.

Alderman Stachowiak moved to postpone the vote until the September 17, 2015 meeting in order to be provided with all the required information needed to fully consider the application. We ask that the required information be received no later than September 10, 2015. Alderman Lewis seconded the motion. All voted in favor.

9. Approval of the Consent Agenda:

a. *Minutes of the Regular Meeting of August 6, 2015.* Alderman Mullendore moved to approve the minutes. Alderman Lewis seconded. All voted in favor. Motion carried.

b. *Financial Reports for the month ending July 30, 2015.* There were no reports available other than the account balances of \$5,035.74 in the general fund, \$70,512.73 in the ad valorum fund and \$13.54 in the emergency fund. Since there were no reports, no vote was taken.

c. *Building Inspection Report.* Mayor Pro Tem Deason reported that one permit application was pulled for a perimeter fence on the Pena property.

Alderman Lowder asked about the status of the Ramirez property. Mayor Pro Tem Deason discovered that no permit was pulled for the plumbing inspection. When the Building Inspector came for an inspection this week, the plumbing contractor had neither provided his license nor his bond. Instead of having one file for the Ramirez property, several were found in various locations in the office. In one file, a certificate of occupancy was issued for a 21 x 23 foot slab that was not poured as of August 18, 2015, however the Building Inspector had been paid for the slab inspection on April 9, 2015.

This week the Ramirez’ paid a double permit fee because they started work without a permit. Also paid was a double fee for a 16 x 16 foot slab that was started without a

permit. The Town is waiting for the plumber to produce his license and his bond before they can pour over the plumbing.

Alderman Lewis questioned whether a plumbing permit was needed for pools and whether a pressure test was necessary as a resident reported being told that the Building Inspector didn't require it. Mayor Pro Tem Deason replied the Building Inspector said that one wasn't needed so that is what the Town has to go by.

Alderman Mullendore moved to not accept the Building Inspector's report until it is more complete. Alderman Lewis seconded. All voted in favor. Motion carried.

d. Rentfro Law Firm billing in the amount of \$1,731.25. Alderman Stachowiak stated that \$713.33 of this amount was paid for the Special Use Permit application. Alderman Lowder moved to approve the funds for the Rentfro Law Firm bill of \$1,731.25. Alderman Stachowiak seconded. All voted in favor. Motion carried.

10. *Discussion and possible action of no longer grouping line items in a Consent Agenda format for future meetings.* According to TML, the consent agenda includes items that are reoccurring and of little importance to the Board. Mayor Pro Tem Deason believes that accurate minutes, the Town's financial condition, and the Building Inspection Report given by the Building Inspector are of concern to the Board. Alderman Lewis moved to no longer list line items in a Consent Agenda format. Alderman Stachowiak seconded the motion. All voted in favor. Motion passed.

11. Discussion of:

a. *The proposed effective tax rate of between \$.219835 and \$.237421 per \$100.00 of property value.*

b. *Approval or rejection of setting the date of September 10, 2015 for a special meeting to adopt the effective tax rate for the 2015/2016 fiscal year.* Alderman Mullendore moved to set September 10, 2015 to vote on the effective tax rate. Alderman Stachowiak seconded. All voted in favor. Motion carried.

12. *Discussion and possible approval of funds for a public notice in the Los Fresnos News for:*

a. *The September 10, 2015 special meeting to adopt the effective tax rate and*

b. *The Public Hearing and Board meeting on September 24, 2015 to adopt the 2015/2016 Budget.*

Since this item is over budget, Board approval is necessary. The Mayor Pro Tem broke out the costs for the ads. Alderman Lowder moved to approve \$147 to Los Fresnos for the public notice for the hearing on September 10, 2015 and the hearing on September 24, 2015. Alderman Lewis seconded. All voted in favor.

13. *Discussion and possible action on a request from Mr. Jack Matthews for his house located on lot#5 Bayview Palms Subdivision, 109 Bayview Palms Drive:*

a. *To lift the stop work order for the house.*

b. *To be allowed to bring power to the house from the county road.*

Mr. Matthews wanted a variance to bring power to his house. History of the subdivision and resulting lawsuit was presented by Mayor Pro Tem Deason. After the agenda was published, the Board received more information on the subdivision and because of that is unable to proceed with discussion at this time. Alderman Lowder moved to postpone the request for a variance

until a future meeting when the Board's position with Bayview Palms is more clearly defined. Alderman Mullendore seconded. Motion unanimously carried.

The Mayor Pro Tem returned to agenda item 7 and Alderman Lewis made a motion that the proposed amendments to the Burn Ordinance be moved to a public hearing at the September 17, 2015 meeting. Alderman Mullendore seconded. All voted in favor.

14. *Discussion and possible action of reimbursing Garry Lowder for monies spent on the North San Roman speed bumps in the amount of \$355.60.* Alderman Mullendore commended all who contributed to the project and moved to approve the monies spent by Garry Lowder. Alderman Lewis seconded. All voted in favor.

15. *Discussion and possible action on approving funding of \$100 to purchase office supplies.* Since this item is over budget, Board approval is necessary. Alderman Lewis stated the need for toner and paper and miscellaneous supplies. She moved to approve \$100 for office supplies for the Town. Alderman Mullendore seconded. All voted in favor.

16. *Discussion and possible action for paying \$111 for the Notary Public certification for Town Secretary, Julia Reber.* This item is not budgeted and is offered to the Town as a service to residents. Alderman Lowder moved to approve these funds and Alderman Lewis seconded the motion. All voted in favor.

17. *Discussion and possible action for paying Exede up to \$350 to reposition the Town satellite and/or make possible repairs to the components for current issues.* Exede repositioned the antenna at a cost of \$30. Alderman Lowder moved to approve paying Exede \$30 for repositioning the antenna. Alderman Lewis seconded the motion. All voted in favor.

18. *Future Agenda Items:* Mayor Pro Tem Deason is calling a special meeting September 1, 2015 to approve funding for the election since the first bill is due September 3, 2015. After the election, a total cost billing will be sent to Tom Rodino for reimbursement.

#### **DISCUSSION ITEMS:**

19. *Update on the Los Fresnos Volunteer Fire Department Bayview Fire Station Project.* Mayor Pro Tem Deason said it is enclosed and the large garage door is waiting to be delivered. He would like to have a ribbon cutting ceremony for the Fire Department paid for by residents rather than the Town. There are two residents who have volunteered to donate already and residents could also bring a potluck dish. This would be towards the end of September.

20. *Update on the FM2480/South San Roman roadwork and related matters.* Mayor Pro Tem Deason said that he had received a lot of complaints on the work performed by IOC Company.

#### **Citizen complaints**

a. South San Roman road work (IOC Company). Mayor Pro Tem Deason has reported all of these complaints to Mr. Skyy Cummings of IOC and Mr. Ray Zamora of IOC and foreman for this project. He has also given the phone numbers of these gentlemen to the people who have called to complain. 1) The west side of a culvert is clogged on South San Roman near Ramon Guzman's home, causing standing water after rains 2) there is no culvert on the north side of Red

Crown Road causing standing water and poor drainage 3) poor road construction was reported by Mr. Richard Franke 4) drainage ditches are not smooth on the sides thus impeding the ability of the property owners to mow their rights of way 5) drainage ditches caused by the road crew at the tie-in of South San Roman and Red Crown Road, there is a big puddle in the middle of the road torn up by IOC machinery and 6) there is a pile of caliche on the side of Red Crown Road left by IOC.

Alderman Lewis stated that a woman, Mrs. Margret Adair, residing in Laguna Vista had telephoned to complain about the poor quality of construction of the roads resulting in the waste of our county and state tax dollars.

Alderman Lowder stated that TXDOT is responsible for the roads and that they must sign off on the roads as to their engineering standards. Mayor Pro Tem Deason replied that he would call TXDOT the next morning.

Mayor Pro Tem Deason stated that if enough people call IOC/TXDOT then maybe TXDOT can make a complaint also. He asked if anyone else has complaints about the roads to please let him know.

Mr. Bob Steenbock of South San Roman stated that the drainage in the ditches is poorly done. Water collects in the center of the ditch and does not drain out either end. Mr. Steenbock has pictures of the ditches with standing water. Alderman Lewis sent pictures of the damage on Red Crown Road to Ray Zamora of IOC. She described the "pothole" at the tie-in as a "trench" that crosses the entire road.

Mr. Lowder stated that at 2480 and South San Roman, IOC stated that they have pretty much resurfaced everything they can. As far as the improper grading, standing water becomes a health concern and those are things we can address now.

Mayor Pro Tem Deason said that the parking lot is looking somewhat better from when IOC had a bunch of junk piled out here. He called both Mr. Cumming and Mr. Zamora and they did come out here and level some of this caliche and picked up some of their trash. It still doesn't look great, but it is much better than what it was. The parking lot has been leveled, graded and compacted. He would like to see some oil on the parking lot and may try to go in with Chief Daniels (LFVFD) and David Garza (Cameron County) to control the dust.

### **Reports:**

a. EMC: Mr. Tom Rodino, we are in the middle of hurricane season. Next week is the 10<sup>th</sup> anniversary of hurricane Katrina. There were actually four Category 4 hurricanes that year. The theme this year is "It Takes Just One" so he'd like to remind people to be alert and be prepared.

b. Cameron County Coastal Task Force: None.

c. Regional Small Cities Coalition: None.

d. Building & Standards Commission: Alderman Lewis said the citizen-led quasi-judicial Commission is seeking applicants. The Commission can appoint or reappoint the seven

members as there are no term limits. A letter will be sent to the Town in September asking for applicants.

**Adjourn:**

The regular meeting of the Board of Alderman was adjourned at 7:38 p.m. after a motion from Alderman Lewis, seconded by Alderman Stachowiak. All voted in favor.

/s/  
Leon Deason, Mayor Pro Tem

/s/  
Julia Reber, Town Secretary