

# Regular Meeting of the Board of Aldermen

## Town of Bayview

### Regular Meeting Minutes

October 15, 2015

104 South San Roman Road Bayview, Texas 78566

#### REGULAR MEETING

**Town Council Present:** Alderman Lewis, Alderman Mullendore, Alderman Stachowiak, Mayor Pro-Tem Deason

**Town Council Absent:** Alderman Lowder

#### GENERAL

1. The Regular Meeting was called to order at 6:30 p.m.
2. The Pledge of Allegiance was recited.
3. The Presiding Officer welcomed those in attendance.
4. *Public Comments and Announcements:* Election Judge Bonnie Gibbons encouraged those present to vote and then announced the election dates.

#### ACTION ITEMS

##### Old Business

5. *Discussion and possible approval of the September 17, 2015 & Sept 24, 2015 Meeting Minutes.* Alderman Lewis asked to delay the approval of the September 17, 2015 and September 24, 2015 Minutes. No Action.
6. *Discussion and possible action on placing a nominee on the Ballot for Cameron County Appraisal District Director nominee.* Bayview has no nominee and the time has expired. No Action.
7. *Discussion and possible action on the consideration of a variance for lot # 5 of the Bayview Palms Subdivision that will allow the owner to bring underground electric power, at their expense, to lot # 5. If granted, this variance in no way allows any other part of the Bayview Palms subdivision to benefit from this variance, nor does it relieve the owner from applying for all applicable permits as determined by Town Ordinances and the Building Inspector.* Mrs. Matthews was present and addressed the Board of Aldermen. Mayor Pro Tem Deason read the confirmation warranty of facts for the record: "On or about September 17, 2012, my wife Sharon Ellen Matthews and I loaned money to Ken Jaeger to allow him to complete the construction of his home which he was building in Bayview, Texas. At the time of the loan, he executed and delivered to us a promissory note as well as a deed of trust to secure the payment promissory note. A deed of trust lean was placed against Lot #5 Bayview Palms Subdivision, Cameron County, Texas. The property and such deed of trust was filed in volume 18,467, page 161, official records of Cameron County, Texas. Ken Jaeger defaulted on the payments and terms of the promissory note. In 2015, we hired attorney Michelle Sanchez to enforce the terms of the deed of trust and to foreclose our deed of trust lean. On May 5, 2015, she conducted a foreclosure sale and we became the legal owners of the property which deed is recorded in volume 21,160, page 178, official records Cameron County, Texas. Other than lot #5, we have never had, nor do we currently have, a legal or equitable ownership or interest in any of the other lots within Bayview Palm Subdivision in any capacity whatsoever. We have never directly or indirectly been in any business relations with Greg Truitt the repudiated owner of the lots within Bayview Palm Subdivision. We have never been Shareholders, Directors, Officers, Employees or Agents in Ace Partnership Inc., a Texas Corporation. To the extent that it is a Partnership, we have never been partners, managing officers, employees, or agents in the Ace Partnership, a Texas Partnership." The statement was signed by both Mr. and Mrs. Matthews. A Motion was made by Alderman Lewis to grant a variance to Lot #5 of Bayview Palm Subdivision that will allow the owner to bring in underground electricity and electric power at their expense to lot #5. This variance in no way allows any other part of the Bayview Palm Subdivision to benefit from the variance, nor does it relieve the owner Mr. and Mrs. Matthews from applying for all

applicable permits as determined by the Town ordinances and the Building Inspector. Second: Alderman Stachowiak. All in Favor. Motion Carried.

8. *Discussion of options and possible action on selecting a person or an entity to serve as the LARC for the Town of Bayview. This is subject to Chapter 826 of the Texas health and Safety Code that requires each municipality to appoint a Local Rabies Control Authority (LRCA), for the purpose of administering the State laws and rules and any local ordinances and Rules pertaining to rabies control.* A Motion was made by Alderman Mullendore to go with the interlocal agreement with Cameron County, and Cameron County Health Department, and the Animal Control of Cameron County on a per case basis. Second: Alderman Stachowiak. All in Favor. Motion Carried.

### **New Business**

9. *Discussion and possible approval of the Minutes of the September 24 meeting.* Minutes Tabled until the November 19, 2015 Regular Meeting.
10. *Discussion and approval or rejection of the Building Inspectors report.*
  - a. *Discussion and possible action on determination and distribution of collected fees on five active permits and one completed permit.*

The Mayor Pro Tem stated that David Travis' Building Inspector report was complete bringing to light past discrepancies in reporting. The discussion pertained to the collected fees; 5 active permits; and 1 completed permit. Alderman Lewis questioned the consequences for dividing the payments between two Building Inspectors, one former inspector who began the inspections and the current inspector who completed the inspections. She asked for any information from the attorney regarding our obligations to each inspector. Mayor Pro Tem Deason stated that he does "not know of anyone that has said what exactly to do in this case." Mayor Pro Tem Deason said that he is "hearing that because of the discrepancies and incomplete work, that David Irwin, the Town Attorney, he doesn't think there's a problem with whatever we want to do. But it's the Board that has to handle this because there's no precedent set in legalities. The discrepancies in the permitting then, that would negate any other problems." Scott Stachowiak stated that after reading the report that he doesn't think that the fees should be split equitably. A Motion was made by Alderman Stachowiak to pay David Travis the entire amount of the Building Inspector fee for the pending, active building permits that he's had to finish and to pay him as dictated by his contract. Second: Alderman Mullendore. All in Favor. Motion Carried.
11. *Discussion and approval or rejection of current financial reports and projections.* Mayor Pro Tem Deason explained that the bank account balances in question at the last meeting and this month were "flip flopped." The current balances are as follows: General Fund \$6,421.78; Ad Valorem Fund \$72,451.50; Disaster Recovery Fund \$13.54. The total sum of the accounts is \$78,886.82. A Motion was made by Alderman Lewis to accept the current financial report. Second: Alderman Mullendore. All in Favor. Motion Carried.
12. *Approval or rejection of Attorney fees from Rentfro law firm.* Of the \$1,012.50 fees for the Rentfro Law Firm, \$543.75 represents the Cornerstone Church Special Use Permit. A Motion was made to approve the Rentfro Law Firm bill for attorney fees for \$1,012.50 by Alderman Mullendore. Second: Alderman Stachowiak. All in Favor. Motion Carried.
13. *Discussion and possible approval of the Town Secretary's time sheet.* A Motion was made by Alderman Lewis to approve the Town Secretary's timesheet with 77.50 hours of regular time and 12.00 hours of election time for a total of 89.50 hours and \$1,335.50. Second: Alderman Mullendore. All in Favor. Motion Carried.

14. *Discussion and possible action of paying \$105,000.00 on the P&I for the Roads loan with 1st Community Bank instead, of the \$87,570.00 that is budgeted. This would be an additional principle payment of \$17,430.* Mayor Pro Tem Deason stated that there would be interest savings of approximately \$1,000.00 if we payed ahead on the roads. Alderman Lewis felt that the additional payment of \$17,430.00 would cut into operating funds that could be used elsewhere such as road maintenance, repairs, legal fees, town hall maintenance and updating of the Town of Bayview website. A Motion was made by Alderman Mullendore not to approve the \$105,000.00 amount and approve the \$87,570.00 that is budgeted and make the payment in that amount. Second: Alderman Lewis. Yea: Alderman Stachowiak. Nay: Alderman Deason. Motion Carried.
15. *Introduction, and a statement from each candidate for the B&SC. Discussion and voting, by blind ballot, for candidates for the B&SC. The voting Board members, that are not candidates, will each have one vote for each vacant position. In case of a tie or positions not filled, voting will continue until all positions are filled.* The Aldermen were instructed by Mayor Pro Tem Deason to not vote for themselves if they are running for a position on the Building and Standards Commission according to TML. After the Aldermen voted, Bonnie Gibbons stated that she eliminated some votes made by one Alderman who did not vote in the correct column, but credited some other votes made by that Alderman. The appointments to the Building and Standards Commission were: Remberto Arteaga, Gary Paris, Roger Mantony, Mark Mullendore and Louis Anania. Grady Deaton was appointed an alternate. A tie for second alternate was between Bob Steenbock and Jeneria Lewis. Bob Steenbock was selected.
16. *Discussion and Possible action on moving forward to a public hearing and possible adoption of the following additions to Article X: Permits, of the Bayview Zoning Ordinances.*
- Adoption of the 2012 International Building Code, International Residential Code, and International Plumbing Code and if adopted the purchase of at least one copy of each code book for that year.*
  - No permit, including, but not limited to, building permits or permits for excavation, shall be issued unless all taxes due and owing the Town of Bayview on the real estate and improvements whereon such house, building or structure is situated, or on which such demolition or moving is to take place, are fully paid.*
  - All contractors doing work requiring a permit in the Town of Bayview must be register with the Town and have a bond payable to the Town of Bayview. Property owners acting as the their own contractor in building a new home will be required to register as a contractor and provide a bond payable to the Town.*
  - Permit fees will be based on valuation as stated in the contract between owner and contractor or accepted valuation as determined by the data published by the ICC, sustaining current values of construction.*
- Contractors doing their own work were permitting at a cost around \$29 to \$30 per square foot. Mayor Pro Tem Deason stated that “the ICC square foot cost construction for residential one and two family homes is minimal \$97.25 per square foot. Contracts near the ICC valuation will be accepted. Those who are far apart will be valued by the Building Inspector who will use the ICC guideline sheet.” A Motion was made by Alderman Mullendore to move Article X items “a.” through “d.” to a public hearing on November 19. Second: Alderman Stachowiak. All in Favor. Motion Carried.
17. *Discussion and possible adoption of the updated checklist for documents accompanying building permit applications.* Mayor Pro Tem Deason wanted to adopt the checklist though it needs additional updating. Motion to adopt the checklist with the addition of the two noted areas: liability insurance and license requirements made by Alderman Mullendore. Second: Alderman Stachowiak. All in Favor. Motion Carried.
18. *Discussion and possible action on adopting an inspection sheet for OSSF inspections.* Item Tabled.

19. *Discussion and possible action on adopting a policy determining who should / should not have keys / access to the Town office.* A Motion was made by Alderman Stachowiak to adopt the policy to give the keys to the Town office to the Mayor, the Mayor Pro Tem, the Secretary, the Bookkeeper and the Building Inspector. Second: Alderman Mullendore. All in Favor. Motion Carried.
20. *Future agenda items: any Board member may add any item of Town Business to any future agenda.* No agenda items were added.

**DISCUSSION ITEMS**

21. *Update on shutters for the office windows to be in compliance with TWIA wind storm requirements in order to obtain wind storm certification.* Mayor Pro Tem Deason asked if anyone knew anything about the shutter installation. Town Secretary, Julia Reber stated that the shutters arrived and were unpacked by Mayor Pro Tem Deason. The installers unwrapped them from the bubble wrap and measured, but did not have the screws to install the shutters. The contractor said he would return to see what’s needed to install the shutters and also to make arrangements to install over the weekend.
22. *Update and discussion on the Los Fresnos Volunteer Fire Department Bayview Fire Station Project.* Mayor Pro Tem Deason stated that “They have their sign up and their lights they’re moving in their trucks. This Saturday we’re going to have a cleanup and they’re going to bring all the volunteer firemen here and we’re going to try to get some people from the Town and clean up the lot from the road crew.”
23. *Update and discussion on the Town website maintenance, and Town officials' training, with Sean Till, set for 5:00 p.m. on Wednesday November 11, 2015.* Alderman Lewis and Town Secretary Reber agreed to gather some information for utilizing GoDaddy.com to host the Town website.
24. *Update on Brownsville/Bayview reaffirmation of the ETJ Interlocal agreement update.* The agreement was signed with Brownsville.
25. *Update on the South San Roman/ 2480 road project.* The Mayor Pro Tem has called IOC, the road construction company, again and had four meetings and sent emails. IOC has not yet completed the punch list.
26. *Citizens Concerns:*
  - a. *Complaints on the 2480/S San Roman road project.* The Mayor Pro Tem stated that all complaints have been addressed with TXDOT & IOC.
  - b. *Aggressive German Sheppard’s on North San Roman Rd.* The Mayor Pro Tem stated that Mr. Paris built a fence and hopefully that will take care of neighboring dogs coming onto his property and harming his animals.

**Adjourn.** A Motion was made by Mark Mullendore to adjourn. Second: Scott Stachowiak. All in Favor. Motion Carried. Time 8:48 p.m.

/s/  
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 Robert A. Steenbock, Mayor  
 02/18/2016  
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/s/  
 \_\_\_\_\_  
 Julia Reber, Town Secretary  
 02/18/2016  
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Date

Date