

TOWN OF BAYVIEW

BOARD OF ALDERMEN

FEBRUARY 18, 2016

TOWN OFFICE

104 SOUTH SAN ROMAN, BAYVIEW, TEXAS

Officials Present: Alderman Lowder, Alderman Lewis, Alderman Mullendore, Mayor Steenbock, Alderman Stachowiak, & Alderman Deason.

REGULAR MEETING

GENERAL

1. *Call to Order.* The Meeting was called to order at 6:30 p.m.
2. *Pledge of Allegiance.* The Pledge of Allegiance was recited.
3. *Mayor's welcoming comments.* Mayor Steenbock welcomed the attending public.
4. *Public Comments and Announcements:* *This is an opportunity for citizens to address the Town Council on matters relating to Town business, issues, concerns, or interests, including items on the agenda. Speakers are required to state their names for the record and to limit their comments to three minutes. Note: State law does not permit the Mayor/Aldermen to discuss, debate, or act on items that are not on the agenda. Persons making comments and announcements may be referred to Town Staff for follow up or to have items placed on the agenda for a future Town meeting. No comments.*
5. *Adjourn Regular Meeting.* The Regular Meeting was adjourned.

EXECUTIVE SESSION

The Town Council may go into Executive Session as authorized by Subchapter D, Chapter 551 of the Texas Open Meetings Act for deliberations regarding the following agenda items:

6. *TEX. GOV'T CODE § 551.071. Consultation with Attorney on a matter or on matters in which the duty of the Town Attorney under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Open Meetings Act: Mayor Pro Tem.*

Adjourn Executive Session

7. *Reconvene and call to order the Regular Session.* Regular Session reconvened and was called to order.
8. *Discussion and possible action on item deliberated in the Executive session.* Alderman Deason resigned from his position as the Mayor Pro Tem. He has agreed not be Mayor Pro Tem or Mayor during the time that Mrs. Reber is employed by the Town of Bayview. At the next Regular Meeting the Board of Aldermen will elect a new Mayor Pro Tem. In sixty days the BOA will present personnel and board policies in order to address future issues that may arise.

ACTION ITEMS

Old Business

9. *Approval or Rejection of the October 15, 2015 Meeting Minutes.* No comments by Alderman were made. A motion was made by Alderman Mullendore to accept the October 15th Meeting Minutes. Second: Alderman Lewis. All in Favor. Motion Carried.

10. *Discussion and possible action on referring Dr. Hanna to the Building and Standards Commission for work accomplished at 123 Mockingbird without receiving a permit.* Alderman Deason stated Dr. Hanna was contacted at the time his roof was being altered. The Town's Building Inspector David Travis issued a Stop Work Order. Dr. Hanna continued to work on the project without making an attempt to obtain a permit. All the alderman felt he should be referred to the Building and Standards Commission. Mayor Steenbock stated he attempted to resolve this issue prior to referring Dr. Hanna to the Building and Standards Commission. They were unable to reach an agreement. A motion was made by Alderman Deason to refer Dr. Hanna to the Building & Standard Commission for work accomplished at 123 Mockingbird without receiving a permit. Second: Alderman Stachowiak. All in Favor. Motion carried.
11. *Discussion and possible action on road repair West Reparo, East Reparo and Poco Parte. ~RS.* There was extensive discussion on how to apply the material if we were to move forward. Mayor Steenbock is waiting for a return call from Raul Gomez who will hopefully be able to help sort out ownership and responsible party in maintaining and repairing these roads. Mayor Steenbock has worked out a plan titled "Road Plan 2016" A motion was made by Alderman Mullendore to proceed with the draft plan of "Road Plan 2016" on the following roads West Reparo, East Reparo, Poco Parte, N. Valencia and West Toronja. Second: Alderman Stachowiak. All in Favor. Motion Carried.

New Business

12. *Presentation and approval or rejection of the financial audit for FYE September 2015. ~ RS.* Long Chilton was unable to attend this meeting. They will present the Financial Audit for 2015 at the next meeting. A motion to table presentation and approval or rejection of the financial audit for FYE September 2015 to the March regular meeting made by Alderman Deason. Second: Alderman Mullendore. All in Favor. Motion Carried.
13. *Approval or rejection of the January 21, 2016 Meeting Minutes. ~ JR.* Alderman Deason pointed out several inaccurate items. Mayor Steenbock stated the minutes were prepared expeditiously and sent out for comment. When no comment was received he felt they were satisfactory and was disappointed the Alderman waited for the meeting to comment. Alderman Stachowiak and Mullendore had no comment. Alderman Lewis questioned Alderman Deason about his specific concerns. Mayor Steenbock requested Alderman Deason email his concerns so they could be addressed. A motion was made by Alderman Mullendore to reject the January 21, 2016 Meeting Minutes. Second: Alderman Stachowiak. All in favor. Motion Carried.
14. *Approval or rejection of the January financial report with current projected balances. ~ CT.* No comment by Alderman's Lowder, Lewis, Mullendore and Stachowiak. Alderman Deason questioned the transfer from Ad Valorem was 6000.00 when he thought we transferred 6,167.93 since that was approved by the Board of Aldermen. Alderman Deason noticed that the budget states 12,470. It should be 12,250. Alderman Deason pointed out the town is over budget for the year in the dues and subscriptions. A motion was made by Alderman Deason to approve the January Financial Report with current projected balances with the noted items from Alderman Deason. Second: Alderman Stachowiak. All in Favor. Motion Carried.

15. *Approval or rejection of the Building Inspector's Report.* ~ DT. Mayor Steenbock stated he had received an email comment from the Evan's questioning the pool enclosure and its requirement. No comment by Alderman's Lowder, Lewis, Mullendore and Stachowiak. Alderman Deason questioned the status of the church permit. A motion was made by Alderman Deason to accept the Building Inspectors Report January 15 to February 13, 2016. Second: Alderman Mullendore. All in Favor. Motion Carried.

Report of Building Inspections for the Town of Bayview from January 15 to February 13, 2016

David Travis, Building Inspector

ACTIVE PERMITS

New Single Family Homes

- **Building Permit 20151008(A), Jesus Hernandez, 106 West Centerline Road**
- **Mr. Russell Spoor obtained the Building and Plumbing Permits for the completion of the home at Bayview Palms. The Electrical Permit is still pending.**

Accessory Permits

- **Building Permit 20150722, Benjamin Pena, Blocks 61 & 62 of Bayview Citrus Groves (Palma Lane)**
 - **No changes have been made to the fence on this location.**
- **Building Permit 20150, David Evans, 104 West Toronja**
 - **No inspections were performed on this location. The permit is valid, and the pool enclosure is still missing.**
- **Building Permit 20150601, Los Fresnos Volunteer Fire Department, 104 South San Roman Road**
 - **No changes have been made on this location.**

Stop Work Order

- **Demolition to the swimming pool room of Cornerstone Church was performed on February 2nd, without a permit or Asbestos survey. Mayor Steenbock contacted Hamilton Musser and asked him to stop the demolition process until a permit was obtained. Mayor Steenbock, Mayor Pro Tem Deason, and Alderman Stachowiak met with Mr. Musser on Wednesday, February 10th, and discussed future plans for the church and school. Mr. Musser provided a report to me on Thursday, February 11th, which indicated that no asbestos was detected in the samples collected. Bubba Van will be the contractor to obtain the permits for the demolition, and he has not made any attempts to register with the town, or apply for a permit. Mr. Musser was informed that the demolition or any other work may not continue.**

16. *Discussion and possible action on scheduling a public hearing to revise Article X, Section 3, A, 7 to "All work and construction shall conform to the standards specified in the: 2012 International Building Code; the International Plumbing Code; the International Residential Code with the exclusion of Appendix G, Section AG105.2 Barrier Requirements, Outdoor Swimming Pools; and the 2014 National Electric Code."*

The current Article X, Section 3, A, 7 states: "All work shall conform to the standards specified in the 2012 edition of the International Building Code, the International Plumbing Code, the

International Residential Code and the 2014 edition of the National Electric Code for all construction.”

Alderman Deason was not fond of the change. Alderman Stachowiak feels the change is reckless and irresponsible. Alderman Mullendore agreed with Alderman Stachowiak. Alderman Lewis pointed out this requirement came recently with the 2012 IRC. She would like to see the exclusion. Alderman Deason questioned the Building Inspector about his knowledge concerning other towns. Other Lewis and Lowder questioned the necessity of fences since the majority of the homes sit on Resacas, these Aldermen would like to see the private homeowners take responsibility for their own property. Mayor Steenbock mentioned perimeter fences qualify but also comes with other requirements such as door alarms. A motion was made by Alderman Lewis to schedule a public hearing to revise Article X sec. 3, A,7. Second: Alderman Mullendore. Alderman Lowder, yea. Alderman Stachowiak, nay. Alderman Deason, abstained. Motion carries.

17. *Discussion and possible action on payment to the Texas Comptroller in the amount of \$4,107.35.*
~RS. Mayor Steenbock read the letter from the Texas Comptroller. Alderman Lowder questioned if we had the money to pay. Alderman Lewis stated it was a good thing the Board did not pay forward on the roads so we would be in a position to take care of unforeseen expenses. Alderman Mullendore felt paying in a lump sum was preferable and the other Alderman agreed. A motion was made by Alderman Deason to pay the Texas Comptroller the 98% of the amount of 4,107.35 in a one-time payment after the March regular meeting if the funds are approved and transferred. Second: Alderman Mullendore. All in Favor. Motion Carried.
18. *Discussion and possible action to pay membership dues to LRGVDC \$70.00 and a \$7.64 invoice.*
~RS. Alderman Stachowiak felt we need to pay if we want to participate. Alderman Mullendore asked what benefit we receive. Tom Rodino offered an explanation. Alderman Deason pointed out the town was over budget on subscription's. Alderman Lewis reported on the available money from the Deep Water Horizon. Alderman Lowder thought it should be paid. Alderman Deason felt they would not help the town. A contribution by Mayor Steenbock was made to the Town of Bayview to pay the membership dues to LRGVDC \$70.00 and a \$7.64 invoice. Alderman Lowder made a motion to pay the membership dues of \$70 and a \$7.64 invoice based on a \$80 donation to the town. Second: Alderman Lewis. All in Favor. Motion Carried.
19. *Discussion and possible action to appoint a new alternate for the Building and Standards Commission.* ~RS. Mayor Steenbock was appointed a second alternate prior to taking office and can no longer serve. Jesus Amaya and Ron Heinz both showed interest in the position. Mr. Amaya was not present. Mr. Heinz spoke. After blind vote Mr. Amaya was voted in as the newest Building and Standards Commission alternate. A motion was made by Alderman Deason to appoint Jesus Amaya to the Building and Standards Commission as second alternate. Second: Alderman Mullendore. All in favor. Motion Carried.
20. *Discussion and possible action on how the Hiring Policy dated 07-16-2015, item 7 will be accomplished and how item 8 will be administered.* ~RS. Mayor Steenbock asked how the background checks had been done in the past. Alderman Deason said a previous Alderman was a retired FBI agent and took care of them. As per town policy the three current employees must have a criminal background check. The policy also requires a 6-month probationary period with 90 and 180 day reviews. Alderman Deason stated Julia had already had a 30-day review. Alderman Stachowiak supported the Board doing the reviews. Alderman Lewis felt the direct supervisor

should be conduct reviews. Alderman Lowder supported the direct supervisor also. Mayor Steenbock questioned what authority allowed a 30-day review. Alderman Lewis said it was assumed at her time of hiring she would have a 30-day review. Alderman Deason said he was not here and it was a Board decision. Mayor Steenbock questioned why there was not a record of the executive session review. Alderman Deason also stated David Irwin instructed that there should not be a record of executive sessions and that was what he did during his time as Mayor. Mayor Steenbock pointed out the state statute requires it. Two motions were made.

1. A motion was made by Alderman Lewis to charge the Mayor with facilitating the background checks for current Town employees and bring those background checks to the Board for review IAW item 7 of the Towns Hiring Policy dated 07-06-2015. Second: Alderman Deason. All in Favor. Motion Carried.
2. Both Aldermen Lowder and Lewis thought the review should be conducted by the Mayor since he directly supervises the employee's. A motion was made by Alderman Deason to complete the employee reviews that were due or past due IAW the hiring policy date 07-06-2015 in executive session at the March regular meeting conducted. Second: Alderman Stachowiak. Alderman Lowder and Alderman Lewis both voted nay Alderman Mullendore voted Yea. Motion Carried.

Future Agenda Items – *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.*

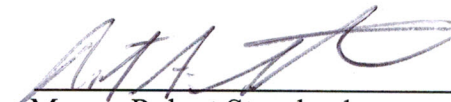
Discussion Items

1. *Discussion on the 2480 road final inspection.* ~DD Alderman Deason went out and made a review of what need to be repaired. Alderman Lowder brought up the “tie-in’s” on some of the roads.
2. *Rio Grande Regional Water Planning Group - Solicitation of Nominations.* ~RS No nominations.
3. *Emergency management update.* ~Tom Rodino Tom informed those attending detailing how to receive help from SBA in the event of a disaster. There are several conferences coming up in the Rio Grande Valley on Recovery and Emergency Management plans. Please Speak to Tom if interested in attending.
4. *Report from Building and Standards Commission.* ~MM. BSC Chair welcomed Mr. Amaya to the board. The B&SC will be moving forward with the permitting noncompliance issue with Dr. Hanna.
5. *Report on obtaining wind storm certificate.* ~RS Mayor Steenbock reported that the Town has received its windstorm certificate on budget. TML has been contacted and Bayview is applying for windstorm insurance.
6. *Discussion on the need for the Town office to have a professionally installed and monitored video surveillance system for both the office & meeting room, along with cameras for the exterior of the building.* ~SS Alderman Stachowiak is continuing to gather information on surveillance for the building.
7. *Discussion on Animal Control Ordinance 2010-06-17.* ~RS There is an inter local agreement with Cameron County for the dog catcher to come out to Bayview. The cost is \$75.00 to pick up the animal. The county charges based on the trip not on capturing the dog. Alderman Deason agrees it is ineffective but allows the Town to take local people to the BSC.

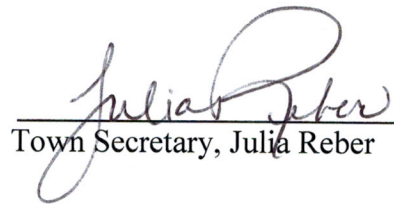
8. *Complaints, Compliments, Concerns or Comments:*

- a. 166 S. San Roman reported a dog was hanging around and eating their chickens. This has been resolved.
- b. The Town received a complaint of aggressive dog behavior at 131 Chachalaca Drive. The homeowner has agreed to install fencing to rectify the situation.
- c. Thank you Los Fresnos Volunteer Fire Department for mowing the Bayview Station grounds along with the Town Office.

A motion to Adjourn was made by Alderman Deason Second: Alderman Stachowiak. All in Favor. Motion Carried. The time was 9:03 P.M.



Mayor, Robert Steenbock 5/19/16
Date



Town Secretary, Julia Reber 5/19/16
Date