

**MAYOR AND THE BOARD OF ALDERMEN
OF THE TOWN OF BAYVIEW
MEETING MINUTES MARCH 17, 2016
104 SOUTH SAN ROMAN, BAYVIEW, TEXAS**

Attending Officials: Alderman Lowder, Alderman Lewis, Alderman Mullendore, Mayor Steenbock, Alderman Stachowiak, Alderman Deason

PUBLIC MEETING

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 Steenbock's welcoming comments.* - Mayor Steenbock welcomed the attending public.
4. *The Town of Bayview is conducting a Public Hearing to receive input from voters and residents on:*
 - a. Revising 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.*”

5. *Public Comments Specific to the Public Hearing Only: This is an opportunity for citizens to address the Town Council on matters specifically related to this Public Hearing that will be considered by the Town Council in this or subsequent meetings. Town Officials may make presentations and provide information to the public during the course of the hearing; however, the Mayor/Aldermen may not engage in debate with speakers or among themselves nor act on matters during the Public Hearing. Note: Speakers are required to state their names for the record and to limit their comments to three minutes.* –

Proponents -

- Ron Heinz- Stated that the resacas pose a much bigger risk of drowning to the public than swimming pools. His homeowner's insurance does not require extra insurance. He thinks the town should stay out of this issue and leave it up to the insurance company and the residents to make their own decision on fencing in their pool. He supports the exclusion.
- Tom Rodino- Tom has done extensive research on this subject when he was Mayor of Bayview. He stated that there is no state ordinance mandating fences around swimming pools. The ordinances are managed on a local level. He supports the exclusion.
- Morgan Gram- Mrs. Gram spoke as a mother of a three year old. Her home has a swimming pool and sits on the resaca. She believes the responsibility lies within the homeowner and supervising adults. She supports the exclusion.
- Louis Anania- Mr. Anania asked what the international building code was and if there were many drowning incidents here in Bayview. He gave an analogy. “If a person broke their arm climbing a tree would all residents be required to cut the trees down”? Mr. Anania stated that he sees this as government interference. He supports the exclusion.

Opponents –

- Jack Kelley- Mr. Kelley strongly stated his position on protecting the lives of children. He also said Bankers and Insurance companies require fences. He is against the exclusion.

6. Adjourn the Public Hearing.

REGULAR MEETING

1. Reconvene and Call to Order the Regular Session.

2. *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 a follow up or to have items placed on the agenda for a future town meeting.*

- Ramon Guzman read his letter of complaint for the record.

March 16, 2016

To: City of Bayview

Attn: Mayor Steenbock

I am submitting my concerns regarding the flooding caused by the recent rain along both sides of S. San Roman Rd. I feel that TX DOT and its' contracted people (I.O.C.) came here to do more harm than good to our city from the beginning.

Since the beginning of the re-paving, there has been nothing but confusion and lack of coordination between TX DOT and I.O.C., leaving city officials and residents out of the loop.

I live at 160 S. San Roman Rd and Palma Lane. When work crews and TX DOT began the road renovation project over a year ago, a TX DOT employee named Sergio explained to me that the road was going to be re-done and raised five (5) inches higher and the ditch lines along both sides of S. San Roman from the corner of the FM 2480 to FM 510 would be grated in a way that would allow water to flow toward the Resaca and prevent flooding. I asked Sergio why the street was being raised five (5) inches and he said that he had talked to an employee from the Irrigation District named Homero if any property along South San Roman flooded when it rained. Homero told him that mine did. That was Sergio's reason why the road was raised five (5) inches. Does that make any sense?

Work crews completed the road and then began grating the ditch lines. It appeared the work was completed when we got some heavy rains and this time rain water heavily flooded both sides of S. San Roman, more so from Palma Lane to FM 510.

Then Mayor Deason and I met with three (3) TX DOT engineers: David, who was supposedly Sergio's and the other engineer's boss. TX DOT saw the problem with the flooded ditches and admitted to Deason and me that the preliminary plans submitted to I.O.C. were incorrect, and I.O.C. just followed the plans.

David said that their boss had told them to meet with Deason to address any concerns and he was willing to do whatever it took to correct the problem and move on. Then the second phase of the re-grating began. I had a drain pipe just outside my driveway that alleviated any heavy rain water to flow and empty out across the road on the east side. However, this time around, the crews covered the drain pipe on the east side and left my side open. The water had no place to escape. They ended up covering my side as well when they should have left it open on both sides instead of covering them.

The deepening of the ditch lines on both sides of South San Roman made the situation worse. On the West side where my property is, the ditch line was grated at least three

(3) feet deep. The West side ditch line was graded almost five (5) feet deep. On top of that, there is no easement where water can flow, so it remains stagnant.

I called Sergio, engineer for TX DOT, at (956) 245-0868 this past Friday to ask him to come and see the flooding caused by 2.2 inches of last week's rain. He told me that he had already been by and that TX DOT does not have the money for additional work to be done. I told him that I'm not an engineer, but it seemed to me that if you raised the road and dig deep ditches of three and five feet deep on both sides of the road, a pond is created. I also told him of the Public Health hazard stagnant water would create in our community.

I urge you, Major Steenbock, along with your distinguished Aldermen, to try your best and find a solution to this matter. This disastorous workmanship by TX DOT and I.O.C. shows a complete disregard to the taxpaying citizens of this state and our city. Had they done their work right the first time around, they wouldn't have had the need to hire a professional engineer, Rene Garza, this second time around. According to Sergio, Garza is the one who asked for the deeper ditch lines.

Sergio has always maintained his stance that the mid-point of my property is considered the low point and water has no place to go but remains stagnant. I disagree because the only time I had excess water accumulation was during Hurricane Dolly in 2008. Furthermore, if that was the case, why would TX DOT allow the excess expenditure of all these cement drain pipes along the road from FM 3069 to FM 610 that simply don't serve a purpose.

I believe the best solution is to cover these ditch lines with dirt, level it, and re-seed it. Otherwise, we will see a severe mosquito epidemic every time it rains which will affect the entire city. There is still stagnant water all along S. San Roman after almost one week since we received around two inches of rain. Imagine what it would be like if we get more than that.

Please see attached photos.

Sincerely,

Ramon G. Guzman, Jr.

ACTION ITEMS

Old Business

3. *Presentation and approval or rejection of the financial audit for FYE September 2015.* A representative from Long Chilton will arrive at 7:30 p.m. ~ RS. Long Chilton was unable to make it to the meeting A motion was made by Alderman Deason to table this item. Second: Alderman Mullendore. All in Favor. Motion Carried.

4. *Approval or rejection of the January 21, 2016 Meeting Minutes.* ~RS – Alderman Deason was the only Alderman with comments. There are several things Alderman Deason would like added to, or revised in the January 21, 2016 Minutes. Mayor Steenbock once again asked Alderman Deason to submit his revisions by email to him. A motion to table this item was made by Alderman Deason. A motion was made by Alderman Deason to table the January 21, Meeting Minutes Second: Alderman Stachowiak. Alderman Lowder opposed. Alderman Lewis abstains. Alderman Mullendore, yea. Motion passes.

New Business

5. Discussion and possible action on revising 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 said he spoke to Cory Bittner from TML Risk Pool and was told that if the Town enacted this exception to the International Building Code that it could open Bayview up to a liability suit. Alderman Deason was told that if the town adopts this revision that TML Risk Pool would not defend Bayview if a claim was filed against the town. Alderman Deason read an email sent out from the Town’s Attorney David Irwin. ” from a legal standpoint he (David Irwin) thinks that the town is in a stronger position if the town does not make this change to the ordinance and instead grants a variance on a case by case basis. However if the town wishes to adopt this change then the determination needs to be based on how accepting the barrier requirements from the ordinance serves the public interests, and should be established on the record at this meeting or another meeting.” With that said Alderman Deason does not see how making an exception this ordinance serves the public interest because it opens up the town to liability. Alderman Stachowiak and Alderman Mullendore stated their strong opinion on protecting lives and their concern for Bayview if sued. They do not support the exclusion. Alderman Lewis supported the majority opinion of the residents present at the meeting. She also stated that in David Irwin’s email, read by Alderman Deason, that he (David Irwin) wrote that if the town voted in the exclusion” the town arguably would have governmental immunity from liability claims. It is not required in the State Statute. This requirement does not apply to existing pools. She is for the exclusion. Alderman Lowder states to mandate this exclusion is about the small government protecting Bayview’s liability interest. Not what the people present want. This may cause cosmetic or financial burden on the homeowner He stands with the attending residents in support of the exclusion. Alderman Deason has looked, and looked and could not find any other town in the state of Texas that does not have these requirements. A motion was made by Alderman Lewis to revise Article X section 3a 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. Second: Alderman Lowder. Alderman Mullendore, nay. Alderman Stachowiak, nay. Alderman Deason, nay. Motion fails.

6. *Discussion and possible action on appointing a Mayor Pro Tem for a period of 1 calendar year.* ~ RS. Alderman Lewis and Alderman Stachowiak were nominated to be Mayor Pro Tem. An anonymous vote was conducted. The results were 3 to 2 in favor of Alderman Stachowiak.

7. *Approval or rejection of the current financial report with current projected balances.* ~ CT A motion was made by Alderman Lowder to accept the current financial report and projected balances with the following change, annual transfer from Ad Valorem to General Budget number from 12,470.00 to 12,250.00. Second: Alderman Lewis. All in favor. Motion carried.

8. *Approval or rejection of the Building Inspector’s Report.* ~ DT. A motion was made by Alderman Stachowiak to approve the Building Inspectors report. Second: Alderman Mullendore. All in favor. Motion carried.

9. *Approval or rejection of the February 18, 2016 Regular Meeting minutes.* ~Rs. A motion was made by Alderman Deason to Table this item until the April Meeting. Second: Alderman Stachowiak. All in Favor. Motion carried.

10. Discussion and possible action to replace the 2 current Town of Bayview Checking and Banking Policies and Procedures, identified by last review date of 9/24/2015 and N/A, with 1 policy identified with an Effective Date of 03/18/2016. ~RS. There was resistance by Alderman Deason and Alderman Stachowiak to changing the policy on reimbursement of expenses. A motion was made by Alderman Deason to Table item number 10. Second: Alderman Stachowiak. All in Favor. Motion Carried.

11. Approval or Rejection of payment to Renfro Law Firm for statement of March 7, 2016 in the amount of \$1,437.50. ~RS. A motion was made by Alderman Mullendore to pay Renfro Law the amount of 1,437.50. Second: Alderman Lowder. All in Favor. Motion Carried.

12. Approval or rejection of a transfer from Ad Valorem Fund to General Fund for payment to Renfro Law Firm in the Amount of \$1,437.50. ~RS. A motion was made by Alderman Lewis to transfer 1,437.50 out of the Ad Valorem fund, into the General fund to pay the Renfro Law bill. Second: Alderman Mullendore. All in Favor. Motion Carried.

13. Approval or Rejection of Windstorm coverage for the Town building in the amount of \$367.00. This quote was obtained through TMLIRP as instructed by the Board. ~RS. A motion was made by Alderman Lewis to pay \$367.00 to TMLRP for windstorm coverage for the town building. Second: Alderman Mullendore. All in Favor. Motion Carried.

14. Approval or rejection of transfer from Ad Valorem Fund to General Fund for payment to TMLIRP in the Amount of \$367.00. ~RS. No Action.

15. Approval or Rejection on transferring \$4,107.35 less 2% (\$4,025.03) from the Ad Valorem account to the General Account. The reason for this expense is that a business filed an amended sales tax return and was granted a refund. At the February 2016 Regular Meeting, the Board voted to exercise option 1, full reimbursement by one time check. ~RS. A motion was made by Alderman Lowder to transfer \$4,107.35 less 2% (\$4,025.03) from the Ad Valorem account to the General Account. Second: Alderman Lewis. All in favor. 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. I would like to appoint Alderman Deason or Alderman Stachowiak as lead on this project. ~RS. There are still many things that are incomplete.
2. Emergency management update. ~Tom Rodino. Tom gave the Aldermen a list of conferences to attend.
3. Report from Building and Standards Commission. ~MM. Dr. Hanna has 30 days to comply with the Building and Standards decisions. He has 30 days to comply. The starting date is March 24th, ending date is April 24th.

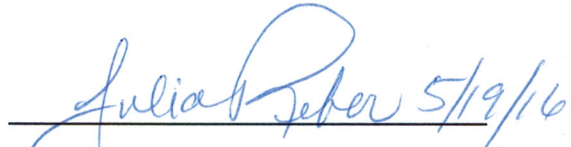
4. *Discussion on the need for the Town office to have a professionally installed and monitored video surveillance system for the office, meeting room and the exterior of the building. ~SS. Nothing to report.*

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

Thank you Los Fresnos Volunteer Fire Department for mowing the Bayview Station grounds along with the Town Office.


_____ 5/19/16

Mayor, Robert Steenbock Date


_____ 5/19/16

Town Secretary, Julia Reber Date