

Minutes of the Meeting
Town of Bayview Board of Aldermen Regular Meeting
April 21, 2016

Elected Officials Present: Mayor Steenbock; Alderman Lowder; Alderman Lewis; Alderman Mullendore; Mayor Pro Tem Stachowiak and Alderman Deason

Elected Officials Absent: None

REGULAR MEETING
GENERAL

1. The Regular Meeting was called to order at 6:30 p.m.
2. The Pledge of Allegiance was recited.
3. The Mayor welcomed those in attendance asking for everyone's help in keeping order: 1. if anyone wants to speak, first be recognized 2. When someone else is speaking let them finish what they are saying without interruption and 3. Let's proceed in an orderly manner.
4. There were no public comments and announcements.

The Regular Session of the meeting was adjourned.

EXECUTIVE SESSION

The Town Council convened the Executive Session as authorized by Subchapter D Section 551.071 Consultation with Town Attorney: of the Texas Open Meetings Act for deliberations regarding:

- a. Consultation with Town Attorney in accordance with Tex. Gov't Code § 551.071 concerning demand letter received from FJW Construction.

The Executive Session was adjourned at 19:05.

5. The Regular Session was reconvened and called to order.
6. *Discussion and possible action on items deliberated in the Executive Session* - There were no comments on matters deliberated in Executive Session. No action.

ACTION ITEMS

Old Business

7. *Approval or rejection of the January 21, 2016 Meeting Minutes* - Alderman Deason re-stated his changes from previous meetings that he would like to see in the minutes saying, "I I don't understand why we can't get these minutes corrected" and "Three months in a row and nothing has been done." Alderman Lewis asked "Alderman Lewis: Weren't you going to send specific language on that each month, so that it could be corrected to the language you preferred?" and "You didn't send your specifics or it would have would have been correct." Alderman Deason did not feel it was his job to correct the minutes. Mayor Steenbock stated, "Ok, Dick. This is the first time you have said, 'This is not my job. I'm not going to do it.'" The mayor also said, "You consented to do it... You consented to do it every other time prior to this. So now were doing it in an open session and taking up everybody's time." Alderman Deason also wanted to be cited more frequently in the minutes, "What I am saying is that every ...whenever Scott or I or Mark brings up something, we are never attributed. I am particularly me...are never attributed to me. And I can name you a lot of different places in here where that's where that's like that ...not not just that one but all the minutes that we've done." Mayor Steenbock wrote down Alderman Deason's changes. Alderman Lewis said that Alderman Deason was wasting the time of the residents in attendance at the meeting by not sending in his corrections.

Alderman Deason stated “that’s fine” and “I wasted all my time writing it down. And going through it.” A Motion was made by Alderman Deason to table the January 21, 2016 minutes. Second: Mayor Pro Tem Stachowiak. Aye: Alderman Mullendore. Nay: Alderman Lowder and Alderman Lewis. Motion Carried

8. *Approval or rejection of the February 18, 2016 Regular Meeting Minutes* - Alderman Deason re-stated his changes from previous meetings that he would like to see in the minutes. The Town Secretary asked Alderman Deason, “Excuse me. You have them all written down. Why is it a problem to send them over to Bob?” Alderman Lewis asked, “You’re just going to sit here and waste all of our time? Reading that?” Alderman Deason replied, “Yes. Yes.” And “I wasted all my time writing it down. And going through it...” A Motion was made by Alderman Deason to Table the minutes. Second: Mayor Pro Tem Stachowiak. All in Favor. Motion Carried.

9. *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 04/21/2016* - When Mayor Steenbock took office in November 2015, he found that there were simultaneously two active Town of Bayview Checking and Banking Policies and Procedures with conflicting language. One policy did not allow for the reimbursement of town officials for expenses paid from personal funds for Town expenses. The other had no such exclusion. Some aldermen reported that during a 2010 or 2011 regular, a Long Chilton auditor, Juan Mendoza, verbally stated that it was a bad policy for officials to be reimbursed. However, Bayview continued reimbursing officials who paid for expenses from their personal funds for the sake of convenience; to avoid unnecessary expense; or to reduce costs including the 2014 construction of the town office building and the 2015 North San Roman Speed Hump project. In April 2016, Carlos Barrera of Long Chilton, the Town of Bayview’s current auditor, provided a written opinion to Mayor Steenbock stating that he was comfortable with town officials being reimbursed with the following caveat: Item 3, Check Writing, 6, “I believe that in most cases that the Town would never reimburse an elected official for personal expenditures unless they were expenditures for and on behalf of the Town. The way the sentence reads does not bring up this issue. Therefore, I would suggest that a modification be made to refer that the personal expenditure was made for and behalf of the town.” Mayor Steenbock altered the suggestion to, “There will be no payment made by the Town to any elected official for reimbursement of expenditures on behalf of the Town without approval of the Board.” The Board agreed that there was no risk to the Town if elected officials paid out of personals funds for Town expenses and asked for reimbursement either before or after the expense was made. The risk is limited to the official who may or may not be approved for reimbursement by the Board of Aldermen. Mayor Steenbock said that the document should not be so flexible that there could be a problem. He said of the Board, “We are accountable to the citizens because we are elected by the citizens.” After Mr. Barrera reviewed the mayor’s proposed Checking and Banking Policy, he sent a written opinion that continuing to use a debit card was not a good policy for the Town. However, because the Town of Bayview has some vendors that will only accept a debit card or credit card, Mr. Barrera agreed that the debit card could be used, but with the following caveat: “Item 2, Banking, a. Debit Card. I would recommend that language be added to require the card be placed in a safe place when not in use preferably in a safe or a locked cabinet. Access to the card should be limited to those times when its use is absolutely necessary in order to carry out a transaction for the Town.” Alderman Deason felt that all cash should be deposited on the same day and all deposits made by the close of business on the last day of the week. A Motion was made to approve the Town of Bayview Checking and Banking Policies and Procedures effective date 04212016 as amended by “payments will be deposited within 3 business days” and “cash will be deposited daily” by Mayor Pro Tem Stachowiak. Second: Alderman Deason. All in Favor. Motion Carried.

New Business

10. *Approval or rejection of the March 16th Executive Session Meeting Minutes* - Mayor Steenbock received an email from Alderman Lewis requesting more detail. Alderman Lewis said that because the Open Session was controversial and no summary would satisfy all parties, she would write something up, including a transcript, and provide this to the mayor to present at the next Board of Aldermen meeting. A Motion was made to Table the March 16, 2016 Executive Session meeting minutes by Alderman Lowder. Second: Alderman Mullendore. All in Favor. Motion Carried.
11. *Approval or rejection of the March 17th Public Hearing Meeting Minutes* – Alderman Deason had several items he outlined as needing changes. Alderman Lewis questioned why he waited for open session to bring these up instead of via email prior to the meeting. Alderman Deason felt it was his prerogative to do it this way. A Motion was made by Alderman Mullendore to approve the March 17, 2016 minutes as amended. Second: Alderman Lowder. Yea: Mayor Pro Tem Stachowiak and Alderman Lewis. Nay: Alderman Deason.
12. *Approval or rejection of the Building Inspector's Report including approval of payment to Building Inspector* - Mayor Steenbock clarified with Building Inspector Travis that the amount due to the Building Inspector was \$50. The Building Inspector clarified for Alderman Lowder that HVAC is the same as mechanical and that a permit had been issued for the Heinz project and that the Building Inspector was waiting for the contractor to call. Alderman Stachowiak questioned the “unresolved issues.” Mayor Steenbock stated that when the Town didn't have a phone there were communications issues which caused confusion between the Town Secretary and the Building Inspector. To prevent this from happening again, the Town Secretary implemented a new filing system organized by address and the Mayor and Building Inspector revised the checklist. The Building Inspector felt that the information he needs is easier to find and with the new processes in place and is satisfied that the unresolved issues will be resolved. Mayor Steenbock addressed the citizens saying that, “The Town ordinance says that the Town has 15 days to issue the permit. And I don't want to give anybody the impression that we're gonna wait 15 days every time, but I really need a little bit of patience on the citizens of Bayview that we do need a little time.” Alderman Stachowiak mentioned that the state statute is 30 days. Building Inspector Travis stated that the 30 days' addresses only communication from the Building Inspector to the contractor or home owner, but does not require that a permit be issued within 30 days. Alderman Deason did not understand how one property had 2 permits issued after a Stop Work Order was placed on the property for not having a permit. Building Inspector Travis stated that “we can't lift the Stop Work Order until the permits are issued.” Alderman Stachowiak made the Motion to approve the April 19, 2016 Building Inspector's report including payment of \$50. Second: Alderman Mullendore. All in Favor. Motion Carried.
13. *Approval or rejection of the current financial report with current projected balances* - Alderman Deason asked about the ad valorem account which showed that there was a transfer on March 31 of \$331 for the CAD (Cameron Appraisal District) quarterly assessment. He asked why a check wasn't written instead. Mayor Steenbock did not know and would ask Bookkeeper Connie Travis. Alderman Deason also questioned check #2836 paid to Bernard Electric in the amount of \$150. Mayor Steenbock stated that was a reimbursement for a double paid permit fee and that the Board had discussed the same check last month. Alderman Lowder made a Motion to approve the current financial reports with current projected balances. Second: Alderman Mullendore. All in Favor. Motion Carried.
14. *Approval or rejection of current OSSF report and approval of payment to Richard Castillo in the amount of 75.00* - OSSF Inspector, Richard Castillo, provided the Town of Bayview with a copy of the OSSF permit that he had issued along with his invoice for \$75, half of the \$150 permit fee. Alderman Mullendore made a Motion to approve the current OSSF report and payment to Richard Castillo in the amount of \$75.. Second: Alderman Stachowiak. All in Favor. Motion Carried.

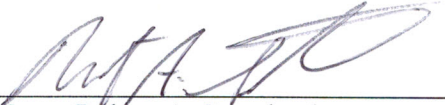
Future Agenda Items– There were no items added.

DISCUSSION ITEMS

15. *Discussion on the 2480 road final inspection.* Alderman Deason or Alderman Stachowiak - On March 21 Mayor Pro Tem Stachowiak and Alderman Deason met with Mr. Espinoza, a TXDOT Asst. Regional Engineer, and reviewed the punchlist of about 11 items that Bayview compiled (copies available in the office). Mr. Espinoza sent an email stating that surveys were completed and the data is being analyzed and that Mr. David Ybarra, the 2480 Project Manager, will follow up with Bayview's concerns. Ramon Guzman, resident of South San Roman, spoke with a member of the survey crew who stated that "What they have done at this present time is a mess" and they don't know yet how they will fix it. The water is gathering along the ditches and the natural drainage should go toward the resaca, but the elevations vary greatly and the water collects, creating mosquito breeding hazards. Mayor Pro Tem Stachowiak stated that a swell is supposed to be created across the street from the Girl Scout camp to allow some water to flow toward the resaca. Alderman Lowder added to the punch list that the asphalt is lifting up at 2480 and South San Roman all the way to the bridge on 2480.
16. *Discussion of the 2012 International Residential Code* - Alderman Lewis reminded those present that, historically, Bayview has never required residents to install fences around their pools or install door alarms leading to those pools. The IRC 2012, adopted by the Town of Bayview in July 2015, includes Appendix G, Swimming Pools, Spas and Hot Tubs, which requires pool fences and door alarms. Over several months, the Board discussed excluding Appendix G from the IRC 2012 Building Code, and held a public hearing in March 2016 to determine whether to exclude that appendix. Though all but one member of the public present spoke out against requiring pools fences and the alarms, the Board voted 3-2 to NOT exclude Appendix G of the IRC 2012, thus requiring the residents of the Town of Bayview to install pool fences and door alarms to those pools. Alderman Deason stated in March that he had spoken with someone at TML Risk Pool, the insurer for the Town of Bayview, who stated that they would not indemnify the Town if the Town excluded Appendix G and then was successfully sued for negligence after someone dies. Alderman Lewis then provided a copy of the IRC 2012 Appendix G to the Board and then read from it, "The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance." Alderman Lewis stated that nowhere in the Town of Bayview building ordinances does Bayview specifically adopt the Appendices. They are not even mentioned. According to Alderman Lewis, the state of Texas does not require municipalities to adopt these Appendices and makes them optional. She concluded that the Board of Aldermen cannot exclude Appendix G when the Town never adopted any of the appendices. And that the Town of Bayview cannot require pool fences and door alarms for the residents because Appendix G was not adopted. Mayor Steenbock stated that since this is quite a departure from previous thinking, that before he advised the Building Inspector in this capacity, he would get opinions from the Town Attorney and TMLRP. Alderman Deason stated that when he called TMLRP, he was asking if we did "adopt that" would we have more insurance costs. The Texas Municipal League, also legal advisors to the Town, stated that they would not defend us if we excluded the ordinance and we were sued. Alderman Lewis stated that because none of the appendices have been adopted, we are not "excluding" Appendix G, but rather we are not addressing Appendix G.
17. *Emergency management update* - Tom Rodino, Bayview Emergency Management Coordinator, was not present so Alderman Lewis reported. The Town of Bayview must prepare a Hazzard Mitigation Plan in conjunction with FEMA and TDEM (Texas Department of Emergency Management) which addresses the Town's response to 13 Emergency Situations. The Town of Bayview must make a wish list of Emergency Management projects in the event money is provided. As a Town, we cannot afford most of the governmental sharing assistance, but sometimes grant money is available without cost sharing. For the Town to qualify, the Hazzard Mitigation Plan must be in place and updated every 5 years.

18. *Report from Building and Standards Commission* - Alderman Mullendore, Chairman of the Building and Standards Commission, said that the Building and Standards Commission brought Dr. Hanna before the Commission in March for not getting a permit for his roof work. He stated that the outcome was positive with Dr. Hanna agreeing to obtain a building permit and pay reduced fines. Alderman Mullendore said that Dr. Hanna had sent his check to the Town for the assessment. Mayor Steenbock stated that, though the process is stressful, the process does work.
19. *Complaints, Compliments, Concerns or Comments* - Mayor Steenbock thanks the LFVFD for mowing our grass. He prepared a bottle of Round Up for the Town Secretary to apply around the building to help control the weeds.

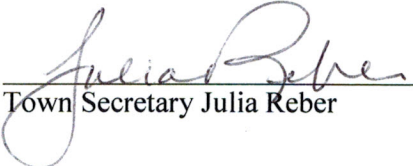
Adjourn - A Motion to adjourn the April 21, 2016 meeting at 20:28 was made by Alderman Lowder. Second: Alderman Mullendore. All in Favor. Motion Carried.



Mayor Robert A. Steenbock

5/19/16

Date



Town Secretary Julia Reber

5/19/16

Date