

**MINUTES OF THE REGULAR  
MEETING OF THE BOARD OF ALDERMEN  
TOWN OF BAYVIEW, TEXAS  
104 S. San Roman, Bayview, Texas  
October 20, 2016**

**Elected officials present:** Mayor Steenbock, Aldermen Lowder, Lewis and Deason.

**Elected officials absent:** Mayor Pro Tem Scott Stachowiak and Alderman Mullendore

**Regular Meeting**

**General**

1. The Regular Meeting of the Board of Aldermen was called to order by Mayor Steenbock at 6:30 p.m.
2. Mayor Steenbock led those present in the Pledge of Allegiance.
3. Mayor Steenbock thanked everyone for being in attendance. He stated that we have a long agenda this evening.
4. *Public comments and announcements:* Mayor Steenbock stated that now is the opportunity for our citizens to address the Town Council on matters relating to Town business, issues, concerns or interests, including any items that are 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. There were no public comments.

Tina Weiser brought up a "Meet and Greet" get together for the town residents that she wants everyone to talk about and see if we can still do it. Mayor Steenbock stated that he would be happy to talk about it after the meeting and see what can be done.

Ron Heinz stated that on item no. 10, if we have to pay the Building Inspector all of our revenue, we need a new plan.

**Action Items**

**Old Business**

5. *Discussion and possible action approving or rejecting the July 21, 2016 Board of Aldermen Regular Meeting minutes-RS* Alderman Deason stated that he did not believe on item #5 he stated that we have \$5,000 coverage on public dishonesty and that Mayor Steenbock had stated that; on #14 there is an entire paragraph that was on the original but is no longer there; and on #17 the quote of \$55 a ton was for hot mix not caliche. He further stated that on #20 the account ending in 5310 should be 9350. Mayor Steenbock responded "We do our best to get these out to everybody with ample time to respond. I

think waiting until the meeting to bring these things up creates a bottleneck in the process to getting these minutes approved. If these issues had been addressed, it is possible that Carmen could've corrected them and we would not find ourselves here doing this."

Alderman Lewis made the motion to approve the July 21, 2016 minutes removing zero deductible from #5 and changing #17 from "caliche" to "hot mix." Second: Alderman Lowder. Abstain: Alderman Deason. Motion carried.

6. *Discussion and possible action approving or rejecting the September 15, 2016 Board of Aldermen Regular Meeting minutes-RS* Alderman Lowder made the motion to approve the September 15, 2016 Board of Aldermen Regular meeting minutes. Second: Alderman Lewis. All in favor. Motion Carried.
7. *Discussion and possible action approving or rejecting the September 26, 2016 Public Hearing and Board of Aldermen Regular Meeting minutes-RS* Alderman Deason made the motion to reject the September 26, 2016 Public Hearing and Board of Aldermen Regular meeting minutes to revise item number 10. Second: Alderman Lowder. Opposed: Alderman Lewis. Motion carried.
8. *Approval or rejection of the current Building Inspector's Report including any payment due-RS* Alderman Deason made the motion to approve the Building Inspector's Report and payment of \$175 to David Travis. Second: Alderman Lewis. All in favor. Motion carried.
9. *Approval or rejection of the September 2016 current financial report with current projected balances-CT* There was a brief discussion about the bank balances. Mayor Steenbock asked Carmen to ensure that we scan and sent out bank statements to the aldermen as soon as we receive them. Alderman Deason made the motion to approve the September 2016 current financial report with current projected balances. Second: Alderman Lowder. All in favor. Motion carried.
10. *Discussion and approval or rejection of proposed changes to the Building Inspector's contract-RS* Mayor Steenbock explained that upon renewal of the Building Inspector's contract this year he felt it was in need of revision. He stated he had made some changes Building Inspector David Travis had reviewed them, Alderman Lewis had assisted in word smithing it a little and formatting etc. and his desire was that it get approved. We currently have a signed contract by our Building Inspector David Travis at this time for this year. He stated that on the "Building Inspector" paragraph it says "subject to the terms and conditions of this agreement The Town hereby engages the Building Inspector as an employee of the Town as well as a Town Official to perform the services set forth here, and the Building Inspector accepts such engagement by executing this agreement and taking the Official Oath of Office." He also explained that towards the end of the document the Official Oath of Office is its own paragraph so it seemed we are double stating this. Alderman Deason made the comment that "On #1 by signing the agreement and taking the Oath of Office means he is accepting the job. #7 means that he is taking the Oath of Office swearing to uphold the ordinances. Those are two separate things. I do not think they are redundant." Alderman Lewis stated "that the document says that the

Building Inspector does accept such engagement by executing this agreement and taking the Oath of Office, and then later it says the Building Inspector must swear or attest an oath.” Mayor Steenbock advised the Board that David Irwin (Town Attorney) had reviewed for legal parameters but not punctuation, wording and those type of things. Alderman Deason stated “I understand and if it had been something very onerous then I would agree 100%. I question why it was on the agenda after it was already signed and approved.” Alderman Lewis made motion to approve the proposed changes to the Building Inspector’s contract as revised. Second: Alderman Lowder. Opposed: Alderman Deason. Motion carried. Alderman Deason then asked “If you make those changes, it invalidates the agreement as it is, is that correct?” Mayor Steenbock answered “It’s just a form.” Alderman Deason stated “it’s not a form no, it’s a contract.” Mayor Steenbock answered “it’s not signed.” Alderman Deason stated “If you make the changes, it changes the contract. It’s been voted by the Board and approved to change so it changes this contract.” Alderman Lowder stated “But it’s not valid until it’s signed.” Alderman Lewis stated “all the board has approved is the payment terms not the contract itself. Now we have approved a contract but it’s not signed.” Mayor Steenbock quoted a paragraph on the contract “no amendment, change or modification in this agreement shall be valid unless in writing signed by the parties hereto and approved by the Board of Aldermen.” He continued “the body of that contract speaks of a signed contract and does not speak of changing the format of that contract.” Alderman Deason stated “There are no other changes other than the ones here. I don’t disagree with the changes. What I was disagreeing with was that the changes were brought out after the contract had been signed and validated.” Mayor Steenbock answered “So now the next time we have a new Building Inspector we have a new contract. It has nothing to do with the current contract.” Alderman Deason said “that’s what I needed to hear, I agree, I approve.” Mayor Steenbock informed Alderman Deason that it was too late the motion had already been carried with him opposing.

11. *Approval or Rejection for legal consul review of (GL/JLL):*

- a) *Town of Bayview Employee Handbook.*
- b) *Town of Bayview Code of Ethics and Conduct for elected and appointed officials.*
- c) *A Resolution of the Board of Aldermen of the Town of Bayview, Texas Establishing a Uniform Policy of the Acceptance of Gifts and Other Donations By The Town.*

Mayor Steenbock stated that this was a culmination of a working group that was put together following consultation with our Town Attorney who indicated that we needed these policies. He also commended Alderman Lowder and Alderman Lewis for doing all the research and producing these policies. Alderman Lewis stated that they have been working on it and presented these first in the August 2016 meeting and Alderman Deason comments made at that meeting were inserted. Alderman Lowder wanted to express that this has been worked on since February 18<sup>th</sup>, 2016 when we met with the Town Attorney who suggested that we move forward with this. Alderman Lowder also reminded the Board that not only was the information emailed to all the Board the backup resource documents that were used were also emailed and he expressed that he sees no reason why the Board should not vote to send these to legal counsel. Alderman Deason stated “this is

in total what you have here I believe more pages than all the ordinances of the Town of Bayview. It is redundant in that it is almost verbatim for Town of Employees and Elected Officials. It is two separate documents but they are still being sent to the lawyer to basically review these at \$125 an hour and basically rewrite them because it will be a rewrite. There is so much in here that needs to be discussed and that's why I asked for a workshop to go over this stuff. Every bit of it is convoluted. The first page here on the Ethics for *Employees comply with both the letter and the Spirit of the Law*. There are no municipal laws in the Town of Bayview. There are only Ordinances. What does that mean the Spirit of the Law? You don't say comply with the Ordinances of the Town, you say comply with the letter and Spirit of the Law. That's the first page and it goes on from there. And *policies affecting the operation of government* – one word comply with the Ordinances of the Town that would simplify that whole statement. The next statement *act independent*. This is for employees. You want the employees to act independent? They work for the Town and they must not be independent and make their own decisions. Their decisions come from the Board. If they have decisions they have to make, that's the Board. This is what it is and the Ordinances that must be complied with." Mayor Steenbock stated "you know Carmen and I talk on a daily basis, the Board does not get involved, and she works independent." Alderman Deason stated "it does not say work independent, it says act independent." Alderman Lewis read the entire statement "*act independent, impartial, consistent and fair in their judgement*, it does not say act independent in their job." Alderman Lewis asked if Alderman Deason had sent these changes to Mayor Steenbock and he responded no. Mayor Steenbock asked if he responded to any of the emails sent addressing the completion of having read documents to set up a workshop and Alderman Deason responded no because he does not believe this can be done by email and it was not a Board vote to review and respond just a request by the Mayor. Alderman Lewis made the motion to approve taking the (a) Town of Bayview Employee Handbook, (b) Town of Bayview Code of Ethics and Conduct for elected and appointed officials, and (c) A Resolution of the Board of Aldermen of the Town of Bayview, Texas Establishing a Uniform Policy of the Acceptance of Gifts and Other Donations by The Town to legal counsel for review. Second: Alderman Lowder. Opposed: Alderman Deason. Motion carried.

12. *Discussion and possible action on designating time and project for the October/November 2016 "Bayview Beautification Day"*. -RS After a brief discussion on the projects that have been completed by the few volunteers in the Town, it was decided that a letter should go out to the residents of Bayview asking for more volunteers. Mayor Steenbock stated that in a town of 383 residents we should be able to get at least 20 people to volunteer for these monthly projects.
13. *Approval or rejection of payment to Rentfro Law Firm* –RS Alderman Lewis made the motion to approve the Rentfro Law Firm bill dated 10/10/2016 in the amount of \$262.50 contingent on the balance forward amount of \$31.25 generated on 09/12/2016 be verified. Second: Alderman Deason. All in favor. Motion carried. Mayor Steenbock reminded the Board that this is 2015-2016 expense item.

14. *Approval or rejection of payment to Los Fresnos News* – RS Alderman Deason made the motion to approve the payment to Los Fresnos News in the amount of \$224.00. Second: Alderman Lowder. All in favor. Motion carried. Mayor Steenbock reminded the Board that this is a 2015-2016 expense item.

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. No items were added.

### **Discussion Items**

1. Presentation by Linn Keller on the proposed LNG plant – Linn Keller  
Linn Keller presented the dangers of having the LNG plants move some of their facilities near here. She further stated how this would affect the animals, plants and people here in Bayview. Mayor Steenbock stated that if anyone would like to talk about the position we are in, to please email him.
2. Discussion on possible revisions to Article X.-RS  
Mayor Steenbock stated that there has been a lot of interest in people wanting to be involved in the re-write of Article X. He further stated that we had a couple of choices: (1) let everybody be involved and everything has to be in a public forum or (2) the Board can choose a committee. He continued that the first step should be for David Travis, Building Inspector, to give the Board a briefing on what he thought were the problems. David mentioned a few areas of Article X to be cleaned up and others that could be changed. It was agreed that David would send by email the changes to Mayor Steenbock who would then highlight and forward them.
3. Discussion on bridge maintenance.-GL Mayor Steenbock stated that he has been communicating with a gentleman from TXDOT and that he continues to say he will do it but has not come through. Alderman Deason stated he would call him again. Alderman Lewis stated how good Poco Parte Bridge looks. Everyone thanked Ron Heinz who requested the workers pour additional hot mix at that location.
4. Update on the FM2480 final inspection.-SS/LD Mayor Steenbock received a voicemail from Mr. Andres Espinoza on the 13<sup>th</sup> stating that they have not forgotten about us and are working on the plan. He stated that he called Mr. Andres Espinoza on the 16<sup>th</sup> and again on the 19<sup>th</sup>. Mayor Steenbock said that all conversation has been via voicemail and that he has not been able to talk to him. Mayor Steenbock agreed to continue to call Mr. Espinoza and Alderman Deason volunteered to call TXDOT.
5. Emergency management update- GP Emergency Management Coordinator Gary Paris informed us that in the Cameron County Emergency Management meeting he and Alderman Lewis attended two things were discussed: (1) there is a new form to update for the State which he had already completed and (2) there was a “Zika” case

here in Cameron County which was travel related. The woman tested positive and she has now been cleared. He also brought in a form to share with everyone which shows 8 Mosquito repellent plants.

**6. Report from the Building and Standards Commission- Nothing to report.**

**Complaints, Compliments, Concerns or Comments**

- a. Thank you Los Fresnos Volunteer Fire Department for responding to the fire on North Valencia and for mowing the Bayview Station grounds along with the Town Office.
- b. A special thanks to Aida Mullendore for volunteering as Town Secretary during our time of need.
- c. Thank you to the volunteers that helped with the N. Valencia repair. Alderman Deason, Roger Mantony, Gary Paris, Ron Heinz, Geri Batko, Aida Mullendore and Don Kauffman who provided the back hoe.
- d. Thank you to the volunteers that helped on September 24, 2016 getting brush removed from the walking bridge in conjunction with the Water District: Alderman Stachowiak, Alderman Deason, Ron Heinz and Tina Weiser.

**Adjourn**

At 8:01 p.m. a motion was made by Alderman Deason to adjourn the meeting and go into Executive Session. Second: Alderman Lowder. All in Favor. Motion carried.

**Executive Session**

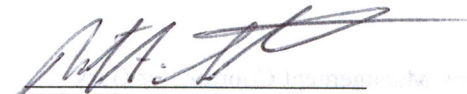
The Executive Session was called to order by Mayor Steenbock at 8:04 p.m. where the Town Council is authorized by Subchapter D Section 551.074: Personnel Matters of the Texas Open Meetings Act for the purpose of:

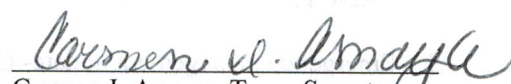
- a. 60-day review of Town Secretary Carmen Amaya

Alderman Lowder made the motion to adjourn the Executive Session at 8:09 p.m. Second: Alderman Lewis. All in Favor. Motion carried.

The regular meeting was called to order by Mayor Steenbock at 8:09 p.m.

Alderman Deason made the motion to adjourn the regular meeting at 8:11 p.m. Seconded by Alderman Lewis. All in Favor. Motion carried.

  
Robert Steenbock, Mayor

  
Carmen I. Amaya, Town Secretary