

**MINUTES OF THE REGULAR
MEETING OF THE BOARD OF ALDERMEN
TOWN OF BAYVIEW, TEXAS
104 S. San Roman, Bayview, Texas
April 20, 2017**

Elected officials present: Mayor Steenbock, Aldermen Lewis, Mullendore and Stachowiak.

Elected officials absent: Alderman Lowder and Alderman Deason.

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 and reminded everyone to sign in so that we could keep record of who participated. He also thanked the Los Fresnos Volunteer Fire Department for continuing to mow the Bayview Station grounds and the Town Office. He announced that this is the last meeting of the current Board of Aldermen. Next month's meeting will be chaired by Mayor-Elect Paris and a new set of Board members. He stated that we have three Board members that are leaving and he stated that he would like to take the time to say what a pleasure it has been to work with each and every one of them. Unfortunately, two of them could not attend tonight. Garry Lowder had business obligations that did not allow him to be here tonight. Leon Deason has some medical issues that he's dealing with that does not allow him to be here tonight. He continued by telling everyone we could heap our praise on Mayor Pro Tem Scott Stachowiak. He said that when he came on board there were a lot of challenges and that Scott Stachowiak took on the job of Mayor Pro Tem and has been extremely helpful during this time. He also explained that he has been out of town a lot and that we have had some contentious issues that we have had to deal with and that Scott has been a voice of reason in some of those issues and helped us through to find a path that worked out for everybody. He then proceeded to thank Scott for helping this Board, helping the community and presented him with a token of appreciation, a framed Certificate of Appreciation. Mayor Pro Tem Scott Stachowiak said "it's been an honor and pleasure to serve you and the entire town. I chose not to run again because I got small children at home. When I started this they were 2 and 4 and now they're 6 and 8. They want their Dad around more. But I'm leaving you in very capable hands. He'll be filling this chair, Mr. Ron Heinz. So, good luck to you Ron. Thank you everybody for your support. I would also like to say that this Board has been very pleasurable to work with. At times we've had our disagreements, but most of the time we agreed on things. We've had some contentious moments and tumultuous times, but we've had a good leader also to get us through it." At this time Mayor Steenbock, Alderman Lewis and Alderman Mullendore thanked Scott for his service.

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.

Jack Moffet: “ I’m Jack Moffet, this is my partner Rhonda and we’ve got a farm. We’re on your agenda. In fact everybody knows who we are in one way or another. I’ve met most of you in some fashion or another. We’re on the very north tip, northeast properties of Bayview way out San Roman Road two miles from the nearest pavement, all-terrain vehicle territory out there. Been in this town, never been a penny spent out there. Granted, we don’t pay a lot of tax, but we we’ve been taxed, and we get nothing for it. Which led us to believe, why are we in Bayview? So I go in and look and find out how did Bayview grow? And that’s the statute I handed out to you. I just wanted you to look at the statute and note that it says that you can annex on a petition of landowners a contiguous property. And then you have a hearing, which you did, but you never had a petition. What you had was the second thing or the last thing that I handed to you which is the dark color. Somebody knew a cousin of somebody who had a friend that worked in a law office and Xeroxed a form for validating an annexation by election. That’s a fraud. There was no election. It was an annexation, if you read the minutes, some guy said ‘we want to be annexed.’ There was a hearing. And it got annexed, but nobody did the paperwork. And that’s our point: if you didn’t do the paperwork correct, it’s void. The last document is, ironically, the ordinance which is dated 4/20/2006, and if you look at it, it uses block and lot numbers. It doesn’t use meets and bounds. The statute says you have to use meets and bounds. And the statute says that attached to that has to be the aff...or the petition of three landowners. But there there’s no petition attached to it. So again, I mean, I don’t want to criticize the people that did it. I don’t want to question their motives. I just want to point out to you it was done wrong. Thanks.”

At 6:36 p.m. the regular meeting was adjourned by Mayor Steenbock to begin the Executive Session.

EXECUTIVE SESSION

The Executive Session was called to order by Mayor Steenbock at 6:37 p.m. where the Town Council is authorized by Subchapter D Section 551.071, Consultation with Attorney, of the Texas Open Meetings Act for the purpose of:

- a. Discussion of potential litigation with Rhonda Recio.
- b. Update on Total Commitment.
- c. Update on Cornerstone Church Special Use Permit.

Alderman Mullendore made the motion to adjourn the Executive Session at 7:05 p.m. Second: Alderman Lewis. All in favor. Motion carried.

Action Items

1. The Regular Meeting was called to order by Mayor Steenbock at 6:59 p.m.
2. *Discussion and possible action on potential litigation with Rhonda Recio in the Executive Session.-RS* Mayor Steenbock stated there was nothing to report and no action taken at this time.

Old Business

None

New Business

3. *Discussion and possible action approving or rejecting the February 16, 2017 Board of Aldermen Regular Meeting minutes.-RS* Alderman Lewis stated that on page 2 letter "d" stated "180 review" instead of "180 day review." Mayor Pro Tem Scott Stachowiak made the motion to approve the February 16, 2017 Board of Aldermen regular meeting minutes as amended. Second: Alderman Mullendore. All in favor. Motion carried.
4. *Discussion and possible action approving or rejecting the February 27, 2017 Board of Aldermen Special Meeting minutes.-RS* Alderman Mullendore made the motion to approve the February 27, 2017 Board of Aldermen Special Meeting minutes. Second: Alderman Lewis. All in favor. Motion carried.
5. *Discussion and possible action amending the January 19, 2017 Board of Aldermen Regular Meeting minutes. (Agenda Setting and Management Policy for Board of Aldermen Meetings, Para.4. Dated 07/16/2015)-RS* Mayor Steenbock stated that the Agenda Setting and Management Policy for Board of Aldermen Meetings, paragraph 4, dated 7/26/2015 states that we cannot revisit any action item without three or more aldermen requesting such. He continued that he had received a request from Alderman Lewis, Alderman Deason and Mayor Pro Tem Scott Stachowiak to amend these. He further stated that Bonnie Gibbons had noticed that it did not match discussion item 4, line 8, to what the Building and Standards Commission meeting minutes read. It was a minor change stating "meetings with hearings" instead of just "meetings." Alderman Mullendore made the motion to amend the January 19, 2017 Board of Aldermen Regular meeting minutes. Second: Mayor Pro Tem Scott Stachowiak. All in favor. Motion carried.
6. *Discussion and possible action approving or rejecting the amended January 19, 2017 Board of Aldermen Regular Meeting minutes.-RS* Alderman Mullendore made the motion to approve the amended January 19, 2017 Board of Aldermen regular meeting minutes. Second: Mayor Pro Tem Scott Stachowiak. Abstained: Alderman Lewis. Motion carried.

7. *Approval or rejection of the February 2017 current financial report with current projected balances –CT* Mayor Steenbock stated that since we did not have a meeting in March because there was not a quorum due to Spring break and officials being out of town, the financials and Building inspection reports have doubled up for this meeting. Alderman Lewis made the motion to approve the February 2017 financial report. Second: Alderman Mullendore. All in favor. Motion carried.
8. *Approval or rejection of the March 2017 current financial report with current projected balances.-CT* Mayor Steenbock stated he did want to point out one small item on the Town of Bayview Profit and Loss October 2016 to September 2017. He continued by stating that “I hope everybody appreciates the fact that we’ve paid for a couple of our big items this year without taking any funds from the ad valorem account and we show a profit of \$148.00. So, I’m really happy that we got those big ticket items paid for without doing that and you know the town is holding its own. We still have the latitude to use that money, but I think it’s a wonderful thing that we’re not.” The projection shows that we’ll be \$185.00 short this coming month. “Each month runs very close to the fence.” And We’ve had some homes built out here, permit applications, and we’ve had some higher than expected franchise taxes than our records show it should’ve been. Mayor Pro Tem Scott Stachowiak made the motion to approve the March 2017 current financial report. Second: Alderman Mullendore. All in favor. Motion carried.
9. *Discussion and possible action approving or rejection of the Building Inspector’s Report ending March 12 including any payment due.-DT* Alderman Lewis made the motion to approve the Building Inspector’s Report ending March 12th including payment of \$25.00. Second: Mayor Pro Tem Scott Stachowiak. All in favor. Motion carried.
10. *Discussion and possible action approving or rejection of the current Building Inspector’s Report.-DT* Building Inspector David Travis stated that, “We received some new plans for the bath and remodel at the (Cornerstone) church. There’s still some information that’s missing. There’s quite a bit actually. Since our meeting with them, I haven’t heard back. I don’t if you have (to the Mayor), about getting the additional plans that are stamped by an engineer and also about the architect plans.” Mayor Steenbock stated, “I have not had any communication with them on that subject.” Alderman Lewis clarified, “So right now, their plans are not stamped by an engineer?” The Building Inspector stated, “Some of them are. Not all of them.” Mayor Steenbock asked if the Building Inspector had a written response from the church and the Building Inspector answered, “Not yet.” The mayor stated that that was the next step: a written response. The Building Inspector also stated that was some work performed (the installation of a fence) on North Valencia that was not permitted. Additionally, a storage building was placed without a permit and in the setback area. Alderman Lewis asked if the fence was a perimeter fence to which the Building Inspector responded, “yes.” He’s waiting on a response from the property owner due April 21, 2017. Additionally, the Building Inspector is seeking help for getting a Bayview address for a new house on 2480. Alderman Mullendore made the motion to approve the current Building Inspector’s Report ending 4/10/2017 with payment of \$25.00. Second: Mayor Pro Tem Scott Stachowiak. All in favor. Motion carried.

11. *Discussion and possible action approving or rejection of becoming a member of International Code Council.* – DT After a brief discussion amongst the Aldermen and Building Inspector David Travis on the pros and cons, Alderman Lewis made the motion for the Town of Bayview to become a member of the International Code Council for one year. Second: Alderman Mullendore. All in favor. Motion carried.
12. *Discussion and possible action on designating time and project for February 2017 "Bayview Beautification Day."* – RS Mayor Pro Tem Scott Stachowiak made the motion to designate April 29 at 8:00 in the morning as the Bayview Beautification Day. Second: Alderman Mullendore. 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. Nothing was added.

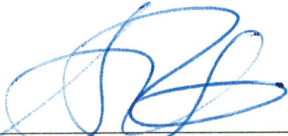
Discussion Items

1. Emergency management update. – Gary Paris, JL Emergency Management Coordinator Gary Paris reported that so far this year, we have had 32 cases of Zika in Cameron County. One in San Benito and the rest are in Brownsville. They are located in neighborhoods. Zika virus mosquitoes are daytime feeders. They are not night time feeders that we have out of the resacas. If you have any flower pot water or any stagnant water get rid of that because that's where they like to nest. It's usually shallow water that they go into and that's what they've found in these neighborhoods. They also report that before you dig anywhere to call 811 to make sure there are no utilities this could save you thousands of dollars. They also had a representative of the postal service reported that they deliver by your number; they don't care about the name. What they suggest is to put your house number in front of the house. The emergency responders can find your house sooner. Sometimes the post boxes are one side of the road, and you may have an emergency on the other side. If you don't have 3 to 6 inches sign with your number, they can't find your house. They suggested to post those numbers in front of your house. The Cameron County Emergency Communication District which is located in San Benito. What they have available for the county is what they call *reverse 911*. What this amounts to is that when there is an emergency with the county they will call you on your cell phone to let you know what the emergency is: evacuation or fire emergency, but you do have to register your number. The website is www.cameroncounty911.com. Mayor Steenbock asked Gary to work with the town secretary to formulate something to email to the town.
2. Report from the Building and Standards Commission. – Roger Mantony –no report.
3. Discussion on the Towns authority in the ETJ. – MM Mayor Steenbock reported that the reason this discussion item is on the agenda is because the Town has town limits and then

the Town has Extra Territorial Jurisdiction which we have some control over but very little control over. Can we regulate activities on properties in our ETJ, but not in our Town? Mayor Steenbock sent an email to the Texas Municipal League (TML), and they sent many references that have not all been explored at this time. Regarding the construction/installation of a home in our ETJ, but not in our Town, that does not meet Bayview building codes, Mayor Steenbock met with someone at the Cameron County Building Inspector's office and the property owners had attempted to apply for a permit with the county. They were denied due to the fact that the lot had to be re-platted. The county will look at the property in question again. We are interested to the extent of our authority to protect the Town of Bayview, everybody's homes and property values. But Bayview has limited authority in our ETJ. Alderman Mullendore stated that properties in our ETJ reflect on Bayview's appearance and that he hoped that the Cameron County Building Inspector's Office will continue to monitor the sub-standard home in question in Bayview's ETJ. Alderman Lewis stated "We do control subdivisions on our ETJ" and that subdivision "have to follow the ordinances and laws of Bayview." Mayor Steenbock stated that our ETJ's prevent Brownsville from encroaching on Bayview property owners.

Adjourn

At 7:33 p.m. a motion was made by Alderman Mullendore to adjourn the meeting. Second: Alderman Lewis All in Favor. Motion carried.



Gary Paris, Mayor



Carmen I. Amaya, Town Secretary