

**MINUTES OF THE SPECIAL
MEETING OF THE BOARD OF ALDERMEN
TOWN OF BAYVIEW, TEXAS
104 S. San Roman, Bayview, Texas
June 29, 2018**

Elected officials present: Mayor Paris, Alderman Steenbock, Alderman Lewis, Mayor Pro Tem Mullendore, Alderman Heinz and Alderman Najera.

Elected officials absent: None

Special Meeting

1. The Regular Meeting of the Board of Aldermen was called to order by Mayor Paris at 6:30 p.m.
2. Mayor Paris led those present in the Pledge of Allegiance.
3. Mayor Paris welcomed everyone in attendance.
4. *Public comments and announcements:* Mayor Paris stated, “this is now 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 comments or announcements.
5. Alderman Steenbock made the motion to adjourn the Special Meeting to go into the Executive Session. Second by: Mayor Pro Tem Mullendore. All in favor. Motion carried.

Executive Session

6. *Discussion of Mediation of FJW Case.*
7. Alderman Heinz made the motion to adjourn the Executive Session at 6:52 P.M. Second: Mayor Pro Tem Mullendore. All in favor. Motion carried.

Special Meeting

8. Mayor Paris recalled the Special Board of Aldermen Meeting to order at 6:54 P.M.
9. *Discussion and possible action approving or rejecting Mediation of FJW Case.* Alderman Steenbock made the motion to approve the settlement agreement for cause no. 2016-DCL-8094 as agreed upon in mediation. Second: Alderman Lewis. All in favor. Motion carried.

Mayor Paris read the following statement to be sent to the residents: *I would like to share with our residents the recent decision by the Board of Aldermen to approve the expenditure of \$45,000 to settle a lawsuit against the Town by FJW Construction in regard to the 2012 road repair project.*

Their subcontractor, Total Commitment had sued them for \$400,000 for labor and materials that they claimed that they were owed. FJW, in turn, filed suit against Bayview. Court ordered mediation was held and the result was the above settlement. Our total costs to settle this will be approximately \$55,000 (includes \$8,000 attorney fees and \$1,300 for mediation). If we did not reach an agreement and decided to go to trial, our legal costs alone could be as high as \$100,000 especially if we had to appeal a large financial verdict against the Town. As part of the settlement, FJW will indemnify Bayview against any further litigation by them or Total Commitment. The Board acting in the best interest of the Town decided to take the above action.

At 7:10 p.m. a motion was made by Alderman Heinz to adjourn the meeting. Second: Alderman Najera. All in favor. Motion carried.

Gary E. Paris

Gary E. Paris, Mayor

Carmen J. Amaya

Carmen I. Amaya, Secretary

