

STATE OF TEXAS §
COUNTY OF CAMERON §
TOWN OF LAGUNA VISTA §

MINUTES OF A REGULAR MEETING OF THE LAGUNA VISTA BOARD OF ALDERMEN

DATE: MARCH 9, 2010

TIME: 6:00 p.m.

PLACE: City Hall Building

MEMBERS PRESENT: Susie Houston, Mayor
Richard Hinojosa, Mayor Protem
Rita Garcia, Alderwoman
Ken Irwin, Alderman
Steve Muschenheim, Alderman
William Schnier, Alderman

Janice Cassidy, Town Attorney
Rolando Vela, City Manager
Robert McGinnis, Police Chief
Alma Deckard, City Secretary

MEMBERS ABSENT: None

ALSO PRESENT: Bill Balogh, Citizen
Richard Lane, Citizen
Abigail Muschenheim, Citizen
Lupe Etheridge, Citizen
Monse Geier, Citizen
Martha Etheridge, Citizen
John Karcanes, Citizen
Bob Dilley, Citizen
Ed Rivera, Citizen
Stan Backues, Citizen
Justin Awtrey, SPI Golf Club
Doug Gonzalez, Citizen
Doug McCormick, Citizen
John Guevara, Linebarger Attorneys

ORDER OF BUSINESS

1. Call to Order

Mayor Houston called the meeting to order at 6:00 pm.

2. Pledge and Invocation was lead by Alderwoman Garcia.

3. Roll Call – All present

4. Open Forum

Richard Lane addressed the Board concerning a door hanger he received for not having a waste collection contract with Allied Waste. He explained that he shares the waste collection container with his neighbor and does not understand why he should have to pay for a container when he doesn't generate that much trash. He also stated that according to the ordinance, there is a fine as high as \$2,000. However, according to State law, the maximum fine can only be \$500.

Bob Dilley addressed the Board concerning the same situation as Richard Lane. He stated that he lives here only part of the year and should not be required to pay for waste collection and should be allowed to share a container. He asked for direction from the Board as how to handle the situation.

Doug McCormick addressed the Board concerning the same problem with the waste collection. He stated that he is getting ready to leave and he disposes of his trash himself. As long as the trash is disposed of, why are we required to have it with a particular waste collection company.

5. CONSENT AGENDA ITEMS: All matters listed under this item are considered to be routine by the Board and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately.

Board of Aldermen Regular Meeting – Minutes
March 9, 2010
Page 3

- a)** RACIAL PROFILE REPORT – Consideration and action to accept the Laguna Vista Police Department 2009 Racial Profile Report.
- b)** POLICE ANNUAL REPORT – Consideration and action to accept the Laguna Vista Police Department 2009 Annual Report.
- c)** C.D.C. FUNDING – Consideration and action to approve the Laguna Vista Community Development Corporation funding of \$5000 for a promotional sign for the 23 acres, property owned by the Town, located on Highway 100.

Alderswoman Garcia made a motion to approve the Consent Agenda Items as follows: (a) approval of the minutes for the meeting of February 9, 2010, (b) approval of the current obligations for the Laguna Vista Community Development Corporation for \$225.00, motion was seconded by Alderman Hinojosa. All voted “aye” to approve, motion carried unanimously.

6. NEW BUSINESS:

- A.** RESOLUTION NUMBER 2010-03 Discussion, consideration and potential action to approve Resolution Number 2010-03, consenting to the addition of an approximate 1.262 Acre Tract of land and an approximate 0.631 Acre Tract of land by the Laguna Madre Water District to the District’s Boundaries.

Alderman Irwin made a motion to approve Resolution Number 2010-03 consenting to the addition of an approximate 1.262 Acre Tract of land and an approximate 0.631 Acre Tract of land by the Laguna Madre Water District to the District’s Boundaries, motion was seconded by Alderman Schnier. All voted “aye” to approve, motion carried unanimously.

- B.** ANNEXATION PETITION – Consideration and potential action on the petition of Fausto Yturria, Jr.; Cassandra Yturria Wolf and William Bradley Wolf; Kimbro Family Investments, LTD; and Yturria-Smith Investments Trust for the annexation of 1.262 acre tract of land and that certain 0.631 acre tract of land out of a certain 432.000 acre tract of land out of “Yturria 9,512.87 acre tract” and out of the “Yturria 315.88 acre tract” in Saint Isabel Grant in the Town of Laguna Vista, Cameron County, Texas; said 432.00 acre tract being as described in the special warrant deed records in volume 2411 of the 2009-2010 Official Public Records of Cameron County, Texas, and in volume 2411 of the 2009-2010 Official Public Records of Cameron County, Texas.

Board of Aldermen Regular Meeting – Minutes
March 9, 2010
Page 4

warrant deed records in volume 9611, page 92 of the official records of Cameron County, Texas (said 1.262 acre tract and 0.631 tract), motion was seconded by Alderman Schnier. All voted "aye" to approve, motion carried unanimously.

- C.** ELECTION EQUIPMENT CONTRACT - Consideration and potential action to approve the contract between the Town and Cameron County Elections Division for the lease of the AutoMark equipment for the May 8, 2010 General Election.

Alderman Irwin made a motion to approve the contract between the Town and Cameron County Elections Division for the lease of the AutoMark equipment for the May 8, 2010 General Election, motion was seconded by Alderman Muschenheim. All voted "aye" to approve, motion carried unanimously.

- D.** BANNING PLASTIC BAGS – Discussion concerning banning plastic bags. Rolando Vela informed the Board that the city managers from the City of Port Isabel, City of SPI and Laguna Vista met to discuss the process for banning plastic bag use. He explained that a strong educational effort must be made before banning the use of plastic bags. Especially to inform the businesses of the pros and cons of the ban.

There was a short discussion, the item will be placed on the agenda when additional information is available.

- E.** PLANNING & ZONING COMMISSION APPOINTMENTS – Consideration and potential action to fill two (2) vacancies in the Planning and Zoning Commission Board.

- F.** CDC APPOINTMENTS – Consideration and potential action to fill two (2) positions in the Laguna Vista Community Development Corporation (CDC) Board.

Alderman Irwin made a motion to table item 6E – Planning & Zoning commission Appointments and item 6F – CDC Appointments, until applications or letters of intent are submitted for the Board to review, motion was seconded by Alderman Schnier. All voted "aye" to approve, motion carried unanimously.

- G.** RESOLUTION NUMBER 2010-04 – Consideration and potential action to approve

Board of Aldermen Regular Meeting – Minutes
March 9, 2010
Page 5

- A.** COMPREHENSIVE PLAN – Consideration and potential action on the Memorandum of Understanding between Workforce Solutions and the Town of Laguna Vista on the comprehensive plan.

Alderman Hinojosa made a motion to approve the Memorandum of Understanding between Workforce Solutions and the Town of Laguna Vista on the comprehensive plan, with an amount of \$4,148.30 for the project, motion was seconded by Alderman Irwin. All voted “aye” to approve, motion carried unanimously.

- B.** HELIPAD MAINTENANCE AGREEMENT – Consideration and potential action on the helipad maintenance agreement between the Town of Laguna Vista and the SPI Golf Club.

Alderman Schnier made a motion to approve the Helipad Maintenance Agreement between the Town of Laguna Vista and the SPI Golf Club, subject to the legal modifications that Town Attorney Jan Cassidy mentioned, concerning the liability insurance, motion was seconded by Alderman Irwin. All voted “aye” to approve, motion carried unanimously.

- C.** HELIPAD OPERATIONAL AGREEMENT – Consideration and potential action on the helipad operational agreement between the Town of Laguna Vista and the County of Cameron.

Alderman Schnier made a motion to approve the Helipad Operational Agreement between the Town of Laguna Vista and the County of Cameron, with the modifications as noted by the City Manager, motion was seconded by Alderman Irwin. All voted “aye” to approve, motion carried unanimously.

- D.** ORDINANCE NUMBER 2010-05 – Consideration and potential action to approve Ordinance Number 2010-05 establishing Commercial Property Maintenance standards. Alderman Irwin made a motion to approve Ordinance Number 2010-05 establishing Commercial Property Maintenance standards, motion was seconded by Alderwoman Garcia. All voted “aye” to approve, motion carried unanimously.

Board of Aldermen Regular Meeting – Minutes

March 9, 2010

Page 6

- A.** FACILITATOR – Consideration and potential action to share the cost of a facilitator for the workshop between the Board of Aldermen and the Community Development Corporation Board.

Alderman Hinojosa made a motion to approve the share cost of \$500 per day, plus travel expenses, for a facilitator for the workshop between the Board of Aldermen and the Community Development Corporation (CDC), motion was seconded by Alderwoman Garcia. All voted “aye” to approve, motion carried unanimously.

7. STAFF/ADMINISTRATIVE REPORTS

- a) Easter Egg Hunt at Roloff Park – April 4, 2010

Rolando Vela stated that he has scheduled an Easter Egg Hunt at Roloff Park for Saturday, April 3, 2010. Hot dogs and goodie bags will be given to the children.

- b) Groundbreaking Ceremony for Helipad – April 6, 2010

Rolando Vela informed the Board that the Helipad Groundbreaking Ceremony is scheduled for Tuesday, April 6, 2010 at 5:30 pm.

- c) Update on Jogging and Walking Trail

Rolando Vela stated that the Parks Board met and reviewed the walking trail layout. It has been suggested that several wellness stations be located along the trail. A water fountain or two may be installed.

- d) Christmas Decorations

Rolando Vela stated that he is checking into prices for Christmas decorations for the entrance sign, Veterans Park and the City Hall building.

- e) Update on EMS Services

Rolando Vela stated that after reviewing the EMS contract with Los Fresnos Ambulance, Inc., there is no provision for cancelling the contract. Contract currently expires September 30, 2010, and we must notify them by end of June 2010 that we will not renew the contract.

- f) 4th of July Picnic and Parade Celebration

Rolando Vela stated that the Parks Board hopes to have a strong emphasis on children's games and activities during the July 4th Picnic and Parade Celebration. One of the ideas for

Board of Aldermen Regular Meeting – Minutes
March 9, 2010
Page 7

Rolando Vela informed the Board that he has placed this item on the CDC agenda for them to review before it comes to the Board of Aldermen. The incentive ordinance will deal with incentives for commercial development.

i) Condemnation of unsafe structure at 214 Orange Lane
Rolando Vela stated that the windows were boarded up at 214 Orange Lane because there was evidence that individuals were going in and possibly doing drugs. Lupe Etheridge, Martha Etheridge and Monse Geier are family members of the property owner. Lupe Etheridge explained that they are in process of hiring an attorney to hand the probate of the estate. Martha Etheridge stated that they will come to city hall and apply for a building permit to begin repairs.

8. EXECUTIVE SESSION – There will be an executive session as authorized by the Open Meetings Act, pursuant to Section 551.071; consultation with Town Attorney to seek advice in legal matters in which the duty of Counsel pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Texas Government Code Section 551.001 et seq. authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on legal matters pending or contemplated litigation.

● Port Isabel De-Annexation

Alderman Hinojosa made a motion to go into executive session, at 7:57 pm, pursuant to Section 551.071; consultation with Town Attorney to seek advice in legal matters in which the duty of Counsel pursuant to the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas conflicts with Texas Government Code Section 551.001 et seq. authorizes a governmental body to consult with its attorney in an executive session to seek his or her advice on legal matters pending or contemplated litigation, motion was seconded by Alderman Irwin. All voted “aye” to approve, motion carried unanimously.

Board came out of executive session at 8:14 pm.

9. OPEN SESSION – Consideration and potential action as a result of Executive Session items.

No action was taken as a result of Executive Session.

Board of Aldermen Regular Meeting – Minutes
March 9, 2010
Page 8

10. ADJOURNMENT

Alderman Hinojosa made a motion to adjourn meeting at 8:15 p.m., second by Alderman Muschenheim. All voted “aye” to adjourn, motion carried.

Attest:

Susie Houston, Mayor

Alma Deckard, City Secretary