

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

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

DATE: JULY 13, 2010  
TIME: 6:00 p.m.  
PLACE: City Hall Building

MEMBERS PRESENT: Susie Houston, Mayor  
Rita Garcia, Alderwoman  
Steve Muschenheim, Alderman  
William Schnier, Alderman  
Leti Keplinger, Alderwoman  
  
Janice Cassidy, Town Attorney  
Rolando Vela, City Manager  
Robert McGinnis, Police Chief  
Alma Deckard, City Secretary

MEMBERS ABSENT: Ken Irwin, Mayor Pro-Tem

ALSO PRESENT: Harold Sherman, Citizen  
Arden Curts, Citizen  
Gloria Curts, Citizen  
Barbara Everson, Citizen  
Bernadine Schmieder, Citizen  
Anne Lyons, Citizen  
Darra Fuqua, Citizen  
Gary Stegg, Citizen  
Ronald Fuqua, Citizen  
Susan Moore, Citizen  
Mary Hartman, Citizen  
Marc Davis, Citizen  
Robin Davis, Citizen  
Justin Awtrey, SPI Golf Club

David Carpenter, Citizen  
Ed Rivera, Citizen  
Bill Balogh, Citizen  
Joe Lewis, Citizen  
Stan Backues, Citizen  
Bob Schmidt, Citizen  
Bill Beaty, Citizen  
Ronald Camacho, Citizen

#### 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 Mayor Houston.

3. Roll Call – Alderman Irwin was absent.

4. Open Forum:

Darra Faqua addressed the Board over concerns of the street maintenance on Broadway and FM 510. She stated that the potholes are bad and need to be repaired, instead of just filling with caliche.

John Karcanes stated that he wanted to commend the first responders for a call to his house. His mother had EMS come to the house and the first responders were very professional and took care of her until the ambulance got there. He stated they did a fantastic job.

Harold Sherman suggested that the Board consider trash recycling in color coded containers. He explained that the Town would then receive some funds for recycling from the waste collection company.

**Board of Aldermen Regular Meeting – Minutes**  
**July 13, 2010**  
**Page 3**

5. ACKNOWLEDGEMENT/PROCLAMATIONS

A. PROCLAMATION – A proclamation in recognition of Ronald Paul Camacho from Troop 59, for his Eagle Scout Achievement.

Mayor read the proclamation for Ronald Paul Camacho. Proclamation was presented at a later time during the meeting, when Mr. Camacho arrived.

B. PROCLAMATION – A proclamation in recognition of Jess Burks Alford IV, from Troop 59, for his Eagle Scout Achievement.

Mayor read the proclamation for Jess Burks Alford IV, he was not present at the meeting.

C. LAGUNA MADRE WATER DISTRICT – Recognition of the Laguna Madre Water District, County of Cameron, and Town Staff, for their help during Hurricane Alex.

Mayor recognized the Laguna Madre Water District, Cameron County and Town Staff for their contribution and help during the emergency Hurricane Alex. Rolando Vela stated that the water district supplied the Town with water pumps and Cameron County delivered sand and bags for the residents.

D. TOWN STAFF/VOLUNTEERS – Recognition of the Town Staff and Volunteers for their help during the 4<sup>th</sup> of July Picnic and Parade.

Mayor recognized the volunteers for the July 4<sup>th</sup> event. She mentioned that the music was great and everyone had a good time.

E. RESOLUTION NUMBER 2010-14 – Approval of Resolution Number 2010-14 in recognition of Richard Hinojosa for his years of service to the Town of Laguna Vista as an Alderman and Mayor Pro-Tem.

Aldерwoman Garcia made a motion to approve Resolution Number 2010-14 in recognition of Richard Hinojosa for his years of service to the Town of Laguna Vista as an Alderman and Mayor Pro-Tem, motion was seconded by Alderman Muschenheim. All voted “aye” to approve, motion carried.

6. 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.

**a) MINUTES** - Consideration and action to approve minutes from the June 8, 2010

**Board of Aldermen Regular Meeting – Minutes**  
**July 13, 2010**  
**Page 4**

Alderman Schnier made a motion to approve the consent agenda items as follows: (a) approval of the minutes from the Board of Aldermen meeting on June 8, 2010, (b) approval of the Laguna Vista Community Development Corporation current obligations for \$600, motion was seconded by Alderwoman Garcia. All voted "aye" to approve, motion carried.

7. PUBLIC HEARING – A public hearing to solicit input on the petition submitted by the South Padre Island Development, LLC, requesting voluntary annexation of a 35.30 acre tract of land and 6.09 tract of land.

Mayor Houston opened the public hearing concerning a petition submitted by the South Padre Island Development, LLC, requesting voluntary annexation of a 35.30 acre tract of land and 6.09 tract of land.

Bob Schmidt stated that in the past the South Padre Island Golf Club has not gone through the Planning & Zoning to subdivide parcel. His question was whether they are required to go through the P&Z process.

Rolando Vela stated that once they are annexed, they will follow the P&Z process for subdividing are parcels.

Harold Sherman asked where the annexed property was located. Justin Awtrey explained that one section is off the Holly Beach road and the other smaller portion is off Highway 100.

Mayor Houston closed the public hearing for the SPI Development, annexation of a 35.30 acre tract of land and 6.09 tract of land.

8. NEW BUSINESS:

**A.** CHRIST HARBOR CHURCH – Consideration and potential action on the recommendation of the Planning and Zoning commission to issue a conditional use permit to Christ Harbor Church.

Mayor asked for a motion to approve the Planning & Zoning Commission recommendation to issue a conditional use permit to Christ Harbor Church. No motion was made.

Alderwoman Garcia made a motion to deny the recommendation from the Planning & Zoning Commission to issue a conditional use permit to Christ Harbor Church, motion was seconded by Alderman Muschenheim. All voted

**Board of Aldermen Regular Meeting – Minutes**  
**July 13, 2010**  
**Page 5**

Alderman Muschenheim made a motion to adopt Ordinance Number 2010-15 approving the petition submitted by South Padre Island Development, LLC to voluntarily annex the 35.30 acre tract of land and 6.09 tract of land, currently within the Town's extra-territorial jurisdiction (ETJ), into the Town limits of Laguna Vista, motion was seconded by Alderwoman Keplinger. All voted "aye" to approve, motion carried.

**C. ORDINANCE NUMBER 2010-16 – Consideration and potential action to adopt Ordinance Number 2010-16, establishing Town regulations regarding unsafe structures and repealing any Ordinance in conflict therewith.**

Alderwoman Garcia made a motion to adopt Ordinance Number 2010-16 establishing Town regulations regarding unsafe structures and repealing any Ordinance in conflict therewith, with the correction to Section 2, that should read International Commerce Codes, motion was seconded by Alderman Muschenheim. All voted "aye" to approve, motion carried.

**D. DEMOGRAPHIC STUDY – Consideration and potential action to authorize the preparation of a demographic study in support of the Home Rule Charter.**

Mayor called for a motion to authorize the preparation of a demographic study in support of the Home Rule Charter. No motion was made.

**E. COMMERCIAL DEVELOPMENT TASK FORCE – Discussion, consideration and potential action to have a re-presentation of the Power Point that was presented, to the Board of Aldermen, by the former Commercial Development Task Force.**

Alderman Schnier made a motion to have a representative from the former Commercial Development Task Force (CDTF) conduct the power point presentation to the Board of Aldermen and invite the Community Development Corporation members to the August 10, 2010 regular meeting; presentation not to exceed 30 minutes; staff to email the power point documents to the Board of Aldermen and the CDC members, motion was seconded by Alderman Muschenheim. Alderwoman Garcia and Keplinger opposed motion. Alderman Schnier and Muschenheim voted in favor of the motion. Mayor as tie-breaker, voted in favor of the motion. Motion carried.

**Board of Aldermen Regular Meeting – Minutes**  
**July 13, 2010**  
**Page 6**

- G.** RESOLUTION NUMBER CDC 2010-02 – Consideration and potential action to approve Resolution Number CDC 2010-02 adopting the Laguna Vista Community Development Corporation Fiscal Year 2010-11 Budget.

Alderman Schnier made a motion to approve Resolution Number CDC2010-02 adopting the Laguna Vista Community Development Corporation Fiscal year 2010-11 Budget, motion was seconded by Alderwoman Keplinger. All voted “aye” to approve, motion carried.

- H.** HOME RULE CHARTER COMMITTEE – Update from Committee Chairman, including accomplishments, remaining items to accomplish and a timeline for submission to voters.

Mary Hartman reported to the Board that the Charter Committee continues to meet twice a month. Hopefully the 2<sup>nd</sup> draft will be completed by the end of August. She mentioned that the committee will need help from the Board of Aldermen concerning the number of aldermen on the board, term of office and form of election held.

It is the consensus of the Charter Committee not to spend taxpayer funds for a demographic study. Once the charter is submitted to the Department of Justice (DOJ) and the DOJ requires a demographic study, then we can have it done. There is no point in paying thousands of dollars for a study that may not be needed.

**9. CITY MANAGER'S REPORT**

- a. Disaster Recovery Fund

Rolando Vela informed the Board that there is a bid process for the drainage project for Mesquite.

Alderman Schnier requested that a list of the active and planned drainage projects, and a comprehensive street improvement plan be supplied to the Board.

- b. Ebony Lane Street Improvements

Rolando Vela stated that the Laguna Madre Water District is in process of awarding the bid for the Ebony Lane street repairs and the project should begin within the next two weeks.

- c. National Night Out

Chief McGinnis stated that National Night Out is scheduled for Tuesday, August

**Board of Aldermen Regular Meeting – Minutes**  
**July 13, 2010**  
**Page 7**

e. Helipad

Rolando Vela stated that the helipad lights have been ordered and the concrete has been poured. He is trying to schedule a date for the ribbon cutting ceremony.

10. EXECUTIVE SESSION

There will be an executive session as authorized by the Open Meetings Act, pursuant to Section 551.074; Personnel Matters, to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee.

- Municipal Judge Rebecca RuBane
- Alternate Municipal Judge J.O. Lewis

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 and to seek his or her advice on legal matters pending or contemplated litigation.

- Litigation – Jim Pigg

There will be an executive session as authorized by the Open Meetings Act, pursuant to Section 551.072; Deliberation about Real Property, to deliberate the purchase, exchange, lease, or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the government body in negotiations with a third person, and;

Alderman Schnier made a motion to go into executive session, at 7:57 pm, pursuant to the Open Meetings Act, Section 551.074, personnel matters – Municipal Judge Rebecca RuBane and Alternate Municipal Judge J.O. Lewis; Section 551.071, consultation with Town Attorney to seek advice on legal matters pending or contemplated litigation – Jim Pigg Litigation, motion was seconded by Alderman Muschenheim. All voted “aye” to approve, motion carried.

Board of Aldermen came out of executive session at 8:51 pm.

12. ADJOURNMENT

**Alderman Schnier made a motion to adjourn meeting at 8:54 p.m., second by Alderman Muschenheim. All voted “aye” to adjourn, motion carried.**

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Susie Houston, Mayor

Attest:

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Alma Deckard, City Secretary