

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

MINUTES OF A WORKSHOP MEETING OF THE LAGUNA VISTA TOWN COUNCIL
WITH THE LAGUNA VISTA RECREATIONAL ASSOCIATION (LVRA)

DATE: March 26, 2018
TIME: 5:30 p.m.
PLACE: City Hall Building

MEMBERS PRESENT: Susie Houston, Mayor
Michael Carter, Mayor Pro Tem
Johvonne Howard, Councilmember Place 2
Frank Davalos, Jr., Councilmember Place 3
Rolando Gonzalez, Councilmember Place 4
Victor Worrell, Councilmember Place 5

Rolando Vela, City Manager
Ricardo Morado, City Attorney
Alma Deckard, City Secretary

MEMBERS ABSENT: Nadine Smith, Councilmember Place 6

ALSO PRESENT: Amy Shanks, Citizen
Silke De Gobeo, Citizen
Rusty Justice, Citizen
Felicia Justice, Citizen
Janie Petty, Citizen
Abel Delgadillo, Citizen
Maile Worrell, Citizen
Karen Watt, Citizen
Skipper Mock, Citizen
Nadine Smith, Citizen
David Lohse, Citizen
Cathy Cunningham, LVRA Attorney

ORDER OF BUSINESS

1. Call to Order

Mayor Houston called the meeting to order at 5:30 pm.

2. **Invocation and Pledge of Allegiance** was led by Pastor Bill Waddle.
3. **Roll Call/Excused Absences** – Council Member Smith was absent, however signed in and sat in the audience.

Members of the Laguna Vista Recreational Association present at the table were President David Lohse, Vice President Rusty Justice and Secretary Silke DeGobeo.

4. **WORKSHOP** – Discussion of the proposed marina lease with the Laguna Vista Recreational Association.

Ricardo Morado explained that there is no action at a workshop. After the Council comes out of executive session, there is an action item if the Council wants to take any action.

Council Member Gonzalez arrived for meeting at 5:38 pm.

Mayor stated that she wanted to discuss the area of the 15% on the South end of the marina to be used as a park.

Council Member Carter stated that this was already discussed and the majority of the board agreed we would not use that area. We should Move on to the next item. Council Member Gonzalez stated he agreed.

Council Member Worrell stated that this could be a deterrent to the community and not a good idea.

Cathy Cunningham arrived for meeting at 5:42 pm.

Council Member Davalos asked the question to the LVRA members; as to who is responsible for the dredging and maintenance of the marina. The town or the LVRA?

David Lohse stated that the LVRA does not have the funds to dredge the marina. It would have to be a combined effort with the Town to dredge and maintain.

Council Member Davalos asked the LVRA attorney what her opinion was on the lease proposed by the Town. Cathy Cunningham stated that the LVRA does not want the lease to be challenged. However it does not need to be so constricted. One of the items is to repair the fence, but there doesn't seem to be anything wrong with it, specifically what do you want?

Cathy Cunningham stated that the LVRA is not a government entity, the ADA requirements listed on the lease do not apply. The LVRA also does not have

the funds for those improvements. Some controls are not reachable, you are setting up the LVRA to fail.

Council Member Carter asked what was not required for ADA? Cathy Cunningham stated that that ADA requirements are for public access. The marina is a public access only to paying members.

David Lohse stated that the current lease has only five years left. We pay \$400 a month for mowing and maintenance. We could pay that to the Town and have your employees do the mowing and maintenance.

Mayor asked David Lohse, as a real estate person, would you lease a property worth a million dollars for \$400 a month?

Council Member Carter stated that the fence should be replaced, when needed, to look similar to the park fences, to have consistency with the park area.

Rusty Justice stated that the fence is to keep people out and security.

Council Member Worrell suggested defining the fence in the lease agreement.

Mayor asked David Lohse if there are any plans to dredge the marina. David Lohse stated that there are no current plans to dredge the marina. He stated that the Town holds the dredging permit. It is easier for the Town to obtain the dredging permit than it is for the LVRA.

Mayor asked if there was any discussion on other watercrafts to use in the marina. David Lohse stated that it will be discussed in the June 2018 LVRA meeting. There has been some discussion of kayak and jet skis.

Mayor stated that the Town wants to use the marina for the July 4th fireworks and needs to get permission from the LVRA. David Lohse stated that the LVRA has discussed, and there is no problem with the Town using the marina.

Council Member Carter stated that perhaps the 5 year lease proposed should be longer, maybe 20 years.

Cathy Cunningham stated that a 15 year lease would be better.

Council Member Davalos asked if this would be at the same lease amount of \$400 per month?

David Lohse stated that the LVRA pays \$400 for the mowing and waste collection; we could pay you and you do the mowing and pay the waste collection.

Council Member Worrell stated that rental amount is more about the defensibility of the lease not budget funds. He suggested putting the funds back into the marina property and take some of the load of the Laguna Vista citizens, that are paying their dues. This would keep membership fees down for our lower income residents and invest back into the marina city property.

Ricardo Morado stated that the Town would then be giving a private entity public funds.

Council Member Worrell stated that landlords offer property with utilities and gardening; would that be allowed.

Ricardo Morado stated, yes, but you would adjust the consideration upfront.

Silke DeGobeo stated that the uncertainty of the lease makes LVRA member nervous. A 15 year lease would be better.

David Lohse asked if it is possible to get funds from the EDC. Ricardo Morado stated that the funds would be going to a private entity, not the Town.

Mayor asked Ricardo Morado, if the lease is agreed tonight and the charter amendment on the May Election ballot does not pass; what happens?

Ricardo Morado stated that if the lease agreement is approve and the charter amendment does not pass on the ballot, it would be an awkward situation.

Council Member Worrell stated that the charter amendment does not define who maintains the marina. How is it a problem?

Ricardo Morado stated that the charter amendment states that the marina will be used as a marina. If the amendment does not pass, that tells you what the citizens are thinking and want.

Council Member Howard arrived for meeting at 6:18 pm.

Mayor asked Cathy Cunningham if she gave the LVRA a legal opinion in writing, concerning the lease. Cathy Cunningham stated that she did.

Mayor asked if the Council could get a copy of the opinion and Cathy Cunningham stated that would be up to the LVRA members.

Cathy Cunningham stated that case law supports that the lease agreement could be up to 40 years, however we are asking at the middle for 15 years.

Council Member Worrell stated that Section 7.2 should be the same wording as the charter, and Section 7.3 also refers back to 7.2.

Council Member Gonzalez asked Cathy Cunningham if the year extension is done; is this a way to protect the Town? Cathy Cunningham stated that the lease is drafted to LVRA, the Town is not eliminated from liability.

Council Member Worrell stated that Section 10.1 should also be worded as the charter amendment, concerning the law enforcement.

Silke DeGobe stated that Article 9.4 stated 270 days for LVRA to do seawall repairs. More time is needed if there is a hurricane, 270 days would not be sufficient.

Mayor stated that a reasonable amount of time could be worked out.

Cathy Cunningham stated that a sign needs to be posted on the property to alert the members of the rules, reference Section 11.1. However the Town does not allow any signs on Town property.

Ricardo Morado stated that the lease could specify that a sign would be allowed.

Cathy Cunningham stated that the ADA requirements are mentioned all over the lease and needs to be re-visited.

5. **EXECUTIVE SESSION** - There may be an Executive Session in accordance with the Open Meetings Act, as authorized by the Texas Government Code, pursuant to Section §551.071, consultation with City Attorney regarding legal issues pertaining to:

 **Marina Lease**

Council Member Carter made a motion to go into executive session at 6:48 pm, in accordance with the Open Meetings Act, as authorized by the Texas Government Code, pursuant to Section §551.071, consultation with the City Attorney regarding legal issues pertaining to – Marina Lease, Council Member Worrell seconded the motion. Mayor Houston, Council Members Carter, Howard, Davalos, Gonzalez and Worrell voted “aye” to approve, motion carried.

Town Council came out of executive session at 7:52 pm.

6. Action, if any, on matters discussed in Executive Session.

Mayor made a motion to authorize the City Attorney to contact the LVRA Attorney and review the LVRA lease agreement, Council Member Worrell seconded the motion. Mayor Houston, Council Members Carter, Howard, Davalos, Gonzalez, and Worrell voted “aye” to approve, motion carried.

7. ADJOURNMENT

Council Member Davalos made a motion to adjourn meeting at 7:53 pm, Council Member Carter seconded the motion. Mayor Houston, Council Members Carter, Howard, Davalos, Gonzalez, and Worrell voted “aye” to approve, motion carried.

Susie Houston, Mayor

Attest:

Alma Deckard, City Secretary