

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

MINUTES OF A REGULAR MEETING OF THE LAGUNA VISTA TOWN COUNCIL

DATE: November 10, 2015

TIME: 6:00 p.m.

PLACE: City Hall Building

MEMBERS PRESENT: Susie Houston, Mayor  
Michael Carter, Councilmember Place 1  
Wanda Reyes-Rice, Mayor Pro-Tem  
Frank Davalos, Jr., Councilmember Place 3  
Leti Keplinger, Councilmember Place 4  
Gary Meschi, Councilmember Place 5  
Nadine Smith, Councilmember Place 6

Rolando Vela, City Manager  
Ricardo Morado, City Attorney  
Tony David, Police Chief  
Alma Deckard, City Secretary

MEMBERS ABSENT: All Present

ALSO PRESENT: Arden Curts, Citizen  
Richard Hinojosa, Citizen  
Carole Ann Benham, Citizen  
Anna Maria Gonzalez, Port Isabel, Texas  
Gualberto Gonzalez, Port Isabel, Texas  
Elizabeth Etheridge, Citizen  
Rolando Gonzalez, Citizen  
Irma Cantu, Citizen  
Lizbeth Oiedo, Citizen  
Henry Etheridge, Citizen  
Rosie Zimmerman, Citizen  
Steven Hyde, Lighthouse Assembly Church  
Terry Volz, Citizen  
Mary Volz, Citizen  
Janie Petty, Citizen  
Richard Lane, Citizen  
Victor Worrell, Citizen  
Diane O'Leary, South Padre Island, Texas  
Roberto Ramirez, Jr., Citizen

Alan Ewers, Citizen  
Luis Ramirez, Citizen  
Henry Vela, Citizen  
Lorene Villarreal, Citizen  
Keith \_\_\_\_\_, Citizen  
Bryant Touch  
Martha McClain, Citizen  
Felicia Justice, Citizen  
Rusty Justice, Citizen

### ORDER OF BUSINESS

**1. Call to Order**

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

**2. Invocation and Pledge of Allegiance** was led by Pastor Steven Hyde from Lighthouse Assembly Church.

**3. Roll Call/Excused Absences** – All present.

**4. RECOGNITION** – To recognize Gualberto “Wally” Gonzalez for his 40 years of announcing the Port Isabel Tarpon football home games. (Mayor Houston)

**Mayor Houston recognized and presented Gualberto “Wally” Gonzalez with a certificate and two goodie baskets, for his dedication of announcing the Port Isabel Tarpon football home games for 40 years.**

**5. OPEN FORUM:**

Carole Benham addressed the Council, stating that the Salvation Army Angel Project is ready to start. Anyone interesting in participating should pick up a signup sheet. The angels are also available at the South Padre Island Golf Clubhouse. The gifts will all stay in the Laguna Vista, Laguna Heights and Port Isabel area.

Richard Lane addressed the Council concerning the flooding at the corner of Palo Blanco and Broadway, from two weeks ago with the heavy rains. He stated that he suggested that a screen be placed on the culvert to prevent debris from going into it and clogging it. Mr. Lane also asked that the Council consider a play center for adults, we have one for children, but nothing for adults.

**6. CONSENT AGENDA ITEMS:**

All matters listed under this item are considered to be routine by the Council and will be enacted for approval by one motion. There will not be a 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 the minutes from the October 13, 2015 Special Meeting.
- b) **MINUTES** - Consideration and action to approve the minutes from the October 13, 2015 Regular Meeting.
- c) **MINUTES** – Consideration and action to approve the minutes from the October 26, 2015 Workshop Meeting.
- d) **RESOLUTION NUMBER 2015-27** – To approve Resolution Number 2015-27 casting a vote for the Cameron Appraisal District Board of Directors Position 9. (City Manager)

**Council Member Keplinger made a motion to approve the Consent Agenda Items as follows; (a) approval of the minutes from the October 13, 2015 Special Meeting, (b) approval of the minutes from the October 13, 2015 Regular Meeting, (c) approval of the minutes from the October 26, 2015 Workshop Meeting, (d) approval of Resolution Number 2015-27 casting a vote for the Cameron Appraisal District Board of Directors Position 9, Council Member Rice seconded the motion. All vote “aye” to approve, motion carried.**

**7. NEW BUSINESS:** Discussion, consideration and possible action on each of the following items:

- A. **ORDINANCE NUMBER 2015-28** – First Reading – To consider the first reading of Ordinance Number 2015-28, amending the 2015-16 fiscal year budget. (City Manager)

**Rolando Vela explained that the only budget amendments are for the salary increase for the City Manager, City Secretary and the Police Chief. There is no change to the bottom line of the total budget.**

**Council Member Meschi stated that at the September workshop it was the consensus of the Council that the police officers would receive \$5800 and all other employees would get 5% salary increase.**

**Council Member Smith asked if these could be discussed separately and not bundled up.**

**Mayor Houston read a portion of the minutes from the October 13, 2015 regular meeting, stating that the motion was made to begin the process for the salary increases for the City Manager, City Secretary and the Police Chief. Nothing was mentioned about them being separated.**

**Council Member Smith stated that she agreed with the salary increase for the Police Chief. However, did not agree with the salary increase for the City Manager.**

**Council Member Carter asked where the funds are coming from. You're taking from EMS for the citizens for a salary increase. Rolando Vela explained that the EMS contract was budgeted at \$30,000, however the contract remained at \$25,000. This left \$5,000 that will not be used in this account.**

**Council Member Carter stated that these salary increases were cut because the Council was told that we had \$150,000 and then told that we would be \$150,000 in the hole.**

**Council Member Davalos stated that he was opposed to the salary increase for the City Manager.**

**Rolando Vela explained that it was a miscalculation when he announced that we had a surplus of \$185,000. This is what was to be used for the Polaris and tractor.**

**Council Member Carter asked if the salary increase would be retroactive. Alma Deckard stated that Town Attorney Morado indicated that it could not be retroactive.**

**Council Member Rice stated that our staff all wear many hats and they should be compensated like the other employees. At the workshop we all agreed to the 5%, with the exception of Council Member Davalos for the City Manager.**

**Rolando Vela stated that the employees did not put this item on the agenda, we don't want to be caught up in the middle of this discussion. This is embarrassing and demoralizing to the employees.**

**Council Member Davalos stated that he would vote against the budget amendment at the next meeting.**

**B. ORDINANCE NUMBER 2015-29** – First Reading – To consider the first reading of Ordinance Number 2015-29, repealing Ordinance Number 2014-14 and establishing a hands free ordinance; and providing penalties for violations of its provisions. (City Manager)

Mayor Houston stated that she is opposed to the hands free ordinance.

Council Member Meschi stated that the current No Texting Ordinance has No teeth that the officers can enforce. By doing the hands free ordinance, people can lay their phone on the seat or use the blue tooth.

Council Member Rice stated that this is about safety of people traveling through Laguna Vista. If we are the community that “cares” than we need to adopt this ordinance.

Council Member Carter stated that there’s enough laws regulating driving our vehicles. How is an ordinance going to fix what people choose to do. There was a study by AAA with the results that whether hands free or not, it is the same distraction.

Council Member Keplinger stated that one life to lose is too many. It take three minutes to go through our town, people can stay off the phone for that long.

Council Member Meschi stated that if we don’t pass the hands free ordinance, than we need to do away with the no texting ordinance. Right now it’s easy to say no to the hands free ordinance, but how would we feel if we lost a spouse, son or daughter to a texting ordinance? Would we be in favor of this ordinance than? The ordinance is about the safety of our citizens first. It is not about issuing citations or raising revenue for the Town.

**C. ORDINANCE NUMBER 2015-30** – First Reading – To consider the first reading of Ordinance Number 2015-30 amending Ordinance Number 2012-18 with regard to the short term rental on Beach Blvd. (City Manager)

Ricardo Morado explained that this ordinance allows for a grandfathered provision for the short term rental on Beach Blvd.

Council Member Meschi stated that this will be hard to enforce. The problem is not really about the short term rental, the problem is parking and noise problems. In this case the police should be called, to handle this situation.

**D. TOWN MARINA** – To instruct the Town Attorney to prepare a legal opinion regarding the Town marina and lease. (Council Members Meschi and Smith)

Council Member Smith stated that she request this item on the agenda to begin the first step to getting a legal opinion from the Town Attorney to renew the marina lease with the Laguna Vista Recreational Association (LVRA).

Council Member Meschi stated that at the workshop everybody agreed on the renewal of the lease for the LVRA. The current lease is 2-3 pages long and the laws have changed. The current lease shows no responsibility to the LVRA or the Town. We need to negotiate a lease that allows access to Laguna Vista residents passage to the water. What will be on the lease? What do we want? I have questions for the Town Attorney to give us his legal opinion on. The lease should have the right language and documentation listing the responsibilities of the LVRA and the Town.

Council Member Carter stated that a council member cannot give the Town Attorney a list a questions, if the rest of the council member have not seen the questions, and are not even aware of what the questions are.

Council Member Meschi stated that every Council Member could ask their own questions.

Ricardo Morado stated that any council member can ask a question, but all town council will get the response to the questions.

Council Member Rice stated that we need to have more workshops and get legal input from our town attorney.

Council Member Smith asked if the town attorney can prepare a lease without answering the questions? Ricardo Morado stated that he would take the questions from all the council members and put into one document of responses.

Council Member Davalos asked why didn't we get a memo from the town attorney instead of questions from the town council?

Mayor Houston suggested that every council member send any questions they have to the City Manager and he will forward them to the town attorney.

Council Member Carter stated that he did not have any questions, except for when is the lease going to be prepared. Let's just do the lease, it's not a big deal. We do leases all the time, they're basic.

Council Member Carter and Davalos felt that this will have the town attorney do more work. He will have to answer all the questions and then come up with a lease.

Council Member Meschi asked what is the urgency in having a lease right now? We have six years before it expires. What if we do a lease and something in there is against the law?

Council Member Carter made a motion to prepare a lease to enter into an agreement with the LVRA, Council Member Davalos seconded the motion . . . motion was not voted on.

Ricardo Morado explained that the agenda item is to instruct the Town Attorney to prepare a legal opinion regarding the Town marina and lease.

No action was taken.

**E. 2011 CERTIFICATES OF OBLIGATION** – Update on the 2011 Certificates of Obligation. (City Manager)

Rolando Vela stated that the Certificates Of Obligation has an available balance of \$47,152. There were no expenditures for the month of October.

**F. CITY MANAGER’S REPORT**

i. Veterans Day Ceremony

Rolando Vela stated that the Veterans Ceremony will be Wednesday, November 11, 2015 at 5:30 pm, at Veterans Park.

ii. Laguna Vista Christmas Festivities

Rolando Vela stated that Monday, November 30, 2015 will be the tree lighting tree ceremony. There will be 11-12 groups performing. The wooden decorations should be arriving in the next 2 weeks.

We are having the tree decorating contest along with the house decorating contest. The winner of the home decorating contest will be announced at the December 8, 2015 Town Council Meeting.

**G. EXECUTIVE SESSION** – There will 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 Town Attorney regarding:

❖ **Brownsville ETJ Litigation**

**Council Member Davalos made a motion to go into executive session at 7:04 pm, pursuant to the Open Meetings Act, as authorized by the Texas Government Code, pursuant to Section §551.071; consultation with the Town Attorney regarding: Brownsville ETJ Litigation, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.**

**Town Council came out of executive session at 7:20 pm.**

**H. OPEN SESSION** – Action, if any on the items discussed in Executive Session.  
**No action was taken as a result of executive session.**

**8. ADJOURNMENT**

**Council Member Davalos made a motion to adjourn meeting at 7:21 pm, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.**

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Susie Houston, Mayor

Attest:

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Alma Deckard, City Secretary