

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

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

DATE: April 10, 2017  
TIME: 6:30 p.m.  
PLACE: City Hall Building

MEMBERS PRESENT: Susie Houston, Mayor  
Michael Carter, Councilmember Place 1  
Wanda Reyes, Councilmember Place 2  
Frank Davalos, Jr., Councilmember Place 3  
Leti Keplinger, Mayor ProTem  
Gary Meschi, Councilmember Place 5  
Nadine Smith, Councilmember Place 6  
  
Rolando Vela, City Manager  
Tony David, Police Chief  
Alma Deckard, City Secretary

MEMBERS ABSENT: All Present

ALSO PRESENT: Janie Petty, Citizen  
Terri Galloway, Citizen  
Jerry Harbin, Citizen  
Gene Beavers, Citizen  
Richard Davis, Citizen  
Donna Davis, Citizen  
Rusty Justice, Citizen  
Felicia Justice, Citizen  
Michael Miller, Citizen  
Jesse Breedlove, Citizen  
Walter Birdwell, Citizen  
Yolanda Birdwell, Citizen  
Maile Worrell, Citizen  
Mary Volz, Citizen  
Larry De France, Citizen  
Anna Backues, Citizen  
Richard Hinojosa, Citizen  
Travis Flanagan, Citizen  
Larry Colp, Citizen

Yvonne Colp, Citizen  
Rudy H. Garcia, Citizen  
Therese Eaton, Citizen  
Victor Worrell, LVRA Board Director  
Martha McClain, Citizen  
Kyra Hudson, Citizen  
Rita Garcia, Citizen  
Phil Rosenlund, Citizen  
Leigh West, Citizen  
Keith Mynatt, Citizen  
Kim Edquist, Citizen  
Steven De La Garza, Citizen  
Madeleine Sandefur, Citizen  
Elizabeth Etheridge, Citizen  
Hank Etheridge, LVRA Board Director  
David Lohse, LVRA Board Director  
Michael Baguio, Citizen  
J. R. Meredith, Citizen  
Roxanne Harris, Citizen  
Bryan Ray, Citizen  
Jim Enholm, Citizen  
Cris Howard, Citizen  
Daniel Backlew, Citizen  
Johvonne Howard, Citizen  
Velma De La Garza, Citizen  
Robert Severson, Citizen  
Bill Beaty, Citizen  
Sid Ramos, Citizen

## ORDER OF BUSINESS

**1. Call to Order**

Mayor Houston called the meeting to order at 6:30 pm.

**2. Invocation and Pledge of Allegiance** was led by Mayor Houston.

**3. Roll Call/Excused Absences** – All Town Council Present. Also present at the table was LVRA President David Lohse, LVRA Board Director Victor Worrell, and LVRA Board Director Hank Etheridge.

**4. L.V.R.A MARINA LEASE** – Discussion of the proposed marina lease between the Town of Laguna Vista and the Laguna Vista Recreational Association.

Mayor Houston had an opening statement, stating that the Town owns the property commonly known as “the marina.” The Town Council has the authority to make policy decisions to ensure this property is used to further the interest of the residents of Laguna Vista.

The Town currently has a 50 year lease with the LVRA that expires September 27, 2021. The current lease is a 3 page lease. This lease states that the marina area shall be for recreational and social purposes primarily for the inhabitants of the Town of Laguna Vista. The marina is managed and controlled by the LVRA, with access restricted to members of the LVRA. The Town Council has no control over the LVRA or its operations.

Over a year ago, members of the LVRA board approached members of this Town Council seeking to renew or extend the current lease. The Town Council began to consider the best use of this property, not only for boat owners, but for all residents of our community. Currently, there is no direct public access to the Laguna Madre for the resident of the Town who are not members of the LVRA.

The members of this Town Council, while interested in renewing a lease also considered the opportunity to allow access to local residents, non LVRA members, to this Bayfront property. The Town Council and Town staff worked diligently and spent many hours studying and preparing a proposed lease that met those objectives. In this process, the Town Council recognized that the law pertaining to the leasing of Town-owned property has changed in the past 40+ years. The lease proposed by the Town included specific provisions intended to serve and to protect the interest of all residents of the Town. The Town Council unanimously voted favorably on the proposed marina lease.

On April 15, 2016, the City Manager hand-delivered the Town’s proposed marina lease to then LVRA President Ryan Maza. The proposed lease includes the following key terms among others:

- ✚ Provided a 25 year lease term
- ✚ Provided for \$100 a month rent (\$1,200 per year)
- ✚ Detailed and assigned maintenance and repair responsibilities between the parties
- ✚ Confirmed that the leased property would be used as a marina for local residents or property owners.
- ✚ Required that the LVRA obtain written approval for any improvements on the marina that were over \$10,000
- ✚ Last, but not least, redefined the boundaries of the lease property so as to allow the town to create on the remaining land a waterfront park affording the public direct access to the bay.

Eight months later, on December 7, 2016, current LVRA President David Lohse delivered to the Town administration LVRA’s proposed lease, which changed many of the key terms of the lease the Town submitted on April 15, 2016.

The primary goal of this workshop is twofold:

- ✚ To have a meaningful, positive and healthy discussion on the marina lease; and
- ✚ To afford all interested parties the opportunity to present their comments and opinions on this topic of interest to all residents of our Town.

To this end, I've outlined the following guidelines:

- 1) Questions or comments by the LVRA Board members, or from the public, shall be directed to the Town Council as a whole.
- 2) The audience cannot engage in any discussion among themselves during this workshop.
- 3) No one will be allowed to make comments or to ask questions during this workshop unless acknowledged by the Mayor.
- 4) Please refrain from speaking out until the Mayor acknowledges you.
- 5) The audience will be allowed less than three minutes to address the Town Council and/or the LVRA Board.
- 6) Outbursts or offensive language will not be tolerated.

Having said this, now I would like to hear from the members of the Town Council and the Board members of the LVRA on how we can arrive at a marina lease that benefits and protects the interests of all residents of the Town.

Council Member Meschi stated that the laws have changed from previous years' contract and the lease has to be in worded to protect the Town and follow new laws and regulations, for example ADA laws. The revision of the lease had to be worded to follow the law and protect all citizens, the Town and the LVRA. Fire codes are required, ADA codes are required, Sewer and drainage issues need to be addressed. Some citizens feel they cannot access marina without a boat, they feel LVRA is not considered part of the community. The marina property to be divided is for the benefit of all citizens.

Victor Worrell stated that LVRA members are citizens of Laguna Vista, any Laguna Vista citizen can be a member of LVRA. Dues are for maintenance of the marina. We're not an outside agency, we are a part of this community.

J.R. Meredith addressed the Council stating that the map proposed for non-members can go to the marina. Why? They have Roloff Park. If the city uses the area, will you put in restrooms and follow ADA rules?

Council Member Smith stated for the record that she was not in favor of this park plan. She did vote on the motion, but was not in favor of the plan. She wanted to clarify, for the record.

Council Member Carter stated that any improvements would fall on all tax payers, not the LVRA.

Hank Etheridge when we talk about the park, it is everybody not just Laguna Vista, everybody in the valley, it's the general public, not just Laguna Vista. There will be a higher pedestrian and traffic activity. We want to work through this lease, we want to resolve this matter. When you say public it means everybody. We do not make a profit, we do not burden the town with insurance or maintenance or upkeep of the marina.

Rudy Garcia stated that Mr. Roloff deeded the marina for the citizens of Laguna Vista to enjoy. It became a burden to the Town, when we were smaller, and the Marina Association was created, which is now the LVRA. We've grown, we are now a home rule charter, whatever improvements are made will fall on the citizens. I think we can absorb the hit to maintain the marina. We're all neighbors and all citizens of this community. The new lease that the Council has prepared is a good lease. So what if they want to walk down there just to look at the tide? We have that right. Our logo says Gateway to the Bay, lets open up the gate.

Walter Birdwell asked what the red line around the marina and park area on the drawing meant. Mayor Houston explained that it was only to mark and show the area.

Mayor Houston stated that there is nothing worse than on the 4<sup>th</sup> of July watching kids hanging on the fence to see the fireworks. Wouldn't it be nice to have people be able to go in to see the fireworks.

Richard Hinojosa stated that the Comprehensive Plan from 2014 clearly states that once the marina lease expires, the Town will take over. We should have kayaking and kite board for the whole community. He stated that he spoke with approximately 75 people over the weekend and the majority of them are in favor of opening the marina. Let the lease expire and the Town take over.

David Lohse stated that on the 4<sup>th</sup> of July, what happens when a kid falls off and dies? The marina is a safe facility used by LVRA members, and the police department. The only qualifications to join the LVRA is to pay the annual dues. Membership is available to every citizen of Laguna Vista. Safety begins with adequate space for parking of vehicles and trailers. We have many members from the Golf Club. Our dues are only \$140 annually, which is not much. With reference to Mr. Meschi's comment about the new laws on the lease. Article 14 of our lease states that we agree to comply with all Federal, State and Town laws. Roloff Park is pretty busy as it is and used by everybody, not just Laguna Vista residents. There's people playing basketball late at night. How will it be controlled that only Laguna Vista citizens will use this park area, how will you control it, who will control it?

Council Member Reyes asked the LVRA Directors how many members their association had? Hank Etheridge stated that they have 140 members. Ms. Reyes asked of the 140 members, how many are not Laguna Vista residents? Hank Etheridge stated that about 3 are not residents of Laguna Vista. She asked what the member count was 5 years ago? Hank Etheridge stated that he did not have those numbers with him.

Victor Worrell asked if the Town would be able to financially carry the approved Park Master Plan from 2011? Would grants have to be acquired? If it is public, it is public to the entire valley and national. I purchased my house 12 years ago because of the marina.

Council Member Carter stated that if the park plans are completed, it would not be a marina anymore, it would be a kayak launch.

Mayor Houston stated that the Town has been researching a public boat launch for several years. We have been in communication with the Yturria family about property on Hwy 100.

Mary Volz asked if the community would be able to vote on this issue? Are LVRA members that are on the Town Council have to recuse themselves from voting?

Dan Bucklew stated that he lives on Beach Blvd, and is a property owner. He feels that the Council should work on our behalf, as property owners. Are there other potential uses for the property? What will increase our property values? People move here because of the private marina. What will a public marina do to our property values? There should be a study done to determine what effect this will have on our property values.

Council Member Meschi stated that park plan from 2011 has nothing to do with why we are here, having this workshop. This workshop is about discussing the lease and coming to some agreement about the lease with the LVRA. Why are we talking about this park plan?

Richard Davis stated that he purchased his house on Beach Blvd 5 weeks ago. He was broken into within a week of moving in. If the marina is public, we will have hundreds of vehicles and people on Beach Blvd. He stated that he owns a house on Lake Travis in Austin and the marina is controlled by the State of Texas.

Yolanda Birdwell stated that she has lived in Laguna Vista for 7 years. Property values are important but also the quality of life is important. It is difficult to change, especially after a lease has been in place for over 40 years. Change is difficult, but we need change. We want access to the water.

Rita Garcia stated that her family moved here 30 years ago. My husband and daughters used to walk to the marina and cast their fishing poles. Now, there's a fence that does not allow us to go fishing or even go near the water. I commend the Council for the lease, I believe it is a good lease, one that will benefit all the citizens of Laguna Vista.

Council Member Smith stated that it has been mentioned that Council Members Carter, Meschi and herself should recuse themselves from voting. I will not recuse myself because I represent everyone. It is not about being excluded it is to keep nonresidents out. Eleven dollars a month is not much, at a public ramp you pay to park and \$10 to launch. This is not about exclusion.

Mayor Houston stated that some people were under the impression that this was to be a private meeting between the Council and the LVRA Board. We are a government entity and cannot meet privately except in executive session to consult with our Town attorney. All our meetings are public and open to the public.

Robert Severson stated that he has lived at the SPI Golf Club for 11 years. Four years ago there was a plan for parks prepared by the Parks Board. The lease is not up for another 4 years, what is the big rush? All options should be investigated before a decision is made. Can the town financially handle the marina? It is not necessary to make a final decision now, we have 4 years. The town should seek input from LVRA members, citizens, and Town Council, get more people involved in the task.

Council Member Meschi stated that any time the Town injects funds into the marina, it is public.

Victor Worrell stated that we have been at this for one year and time goes by pretty fast. It is up to the Town Council and if 10 years from now they may want to put a hotel or restaurant. We trust this Council, but what about the next group? We need a lease so it doesn't turn into a public park. We all need to go back and review the lease and come to some agreement.

Hank Etheridge suggested that the two attorneys from both sides get together and resolve whatever issues are in question and revise the lease agreement.

Council Member Reyes asked if LVRA can tell us what was the membership 5 years ago. Hank Etheridge stated that he already explained this, that he did not have the numbers with him. Ms. Reyes asked about people that use the marina for profit. Are there members that use it to make money? Is this legal? Do they pay a higher fee?

Hank Etheridge stated that it is legal, in a public ramp fishing guides make money from charter trips.

David Lohse stated that the workshop came up a month ago. We want a lease agreement with the Town, nothing is written in stone. We are willing to negotiate.

Victor Worrell stated that nobody is selling anything at the marina, there is no booth or table there selling goods.

Kyra Hudson stated that she owns 2 houses on Beach Blvd and is a member of the LVRA. She runs on Beach Blvd and the park and trail area every day. I use to live at the fingers in Port Isabel and could not run on Pompano because of the traffic to the boat ramp.

Council Member Carter stated that parking will be added a long Beach Blvd and it will be fenced in.

Council Member Meschi stated that concrete tables and possibly BBQ pits could be added and there will be a barrier for separation.

Anna Backues stated that she owns a house on Beach Blvd. She wants to see the LVRA lease stay in place, however a piece of the property should be set aside for people without boats that just want to get to the water. Some of us older people have had the boats, been there done that and now we just want to enjoy the water. Lately, I have been noticing people trespassing through vacant lots to get to the water, since they can't there from the marina. One thing I don't want to see is a charge of \$140 just to walk to the water. If we don't have a boat, why do we have to pay \$140?

David Lohse stated that as a resident of Beach Blvd he is opposed to this park area. We, the LVRA have not ruled out leaving an area open. It will affect the neighborhood, people will be coming from all over. How will you control the traffic and the people? The park has kids till late at night. You all haven't thought this through.

Council Member Meschi stated that it would be worse to see kids at the marina, but the other side will be for fishing. No fishing at the marina area would be allowed. The control will be the same as the basketball court. I don't think control will be an issue, it will not accommodate 500 people. Going to the Zoo kids see gorillas and other animals through glass windows and fences.

David Lohse stated that the park is residential and a Zoo is not, there is a big difference. Council Member Meschi suggested getting back to why we're here to talk about the lease and the items in question.

Council Member Meschi suggested that the LVRA make a list of changes and turn in to the Council, the attorneys then get together and review.

Mayor Houston stated that it has already been established that the two attorneys get together and review the items in question.

Dan Bucklew suggested that the Council require the LVRA to have a tier membership fees. One tier would be for boat owners, another tier would be for non-boat owners. This would be affordable and operate within the guidelines. If you use a boat its one fee and use part of the marina it's another fee.

Robert Severson suggested that the Council and LVRA make a compromise to come to an agreement. I am in favor of the park proposal with a fence requirement. Limited excess should be enforced in that area from sunrise to sunset. The lease agreement from the Council is 17 pages long, the revised

lease agreement from the LVRA is 11 pages long. Somewhere along the line we lost 6 pages of conditions or agreements.

Herb Houston stated that if the Town owned a building and only got \$1 to rent it, every citizen would hang them. That's what LVRA has had for 46 years. All citizens have been subsidizing the LVRA without them paying the market value. They've said, if you want to use this, give me \$140. David Lohse is a realtor and would never rent his property for \$1 or \$100. The taxpayers pay for this property through their taxes, make it available to everybody. This property belongs to the taxpayers of Laguna Vista, not to the LVRA. You don't own it, it's not yours. Mayor Houston stated that his time was up. Mr. Houston was escorted to his chair by Chief David.

David Lohse stated that nobody is subsidizing the LVRA. We have never asked the Town to pay for the insurance or to maintain the property. We are fortunate to have the LVRA so the marina is not a burden to the Town.

Victor Worrell stated that the marina is open to all citizens, just pay the \$140 fee for maintenance. There are a lot of things to change on the lease, you (Council) can make the changes and we'll review them. This is the best scenario.

Hank Etheridge asked how long this meeting was going to go on?

Mayor Houston stated that she wanted to afford every single person that wanted to speak to have that opportunity.

Kim Edquist stated that she has resided on Beach Blvd for 27 years. She purchased her property because of the marina and no other reason. If you open up the marina there will be lawsuits, and I for one will put my house up for sale the very next day.

Council Member Meschi stated that there has never been a discussion about opening up the marina.

Walter Birdwell stated that anyone without a boat cannot use the marina. Will the LVRA be building a pier? I am willing to pay fees if a pier is built.

Sid Ramos stated that he has lived in Laguna Vista for 16 years and raised his kids here. I love this community because it's small, we have a gold mine here. Going public will mean anybody and everybody, not just Laguna Vista residents. If I want to go to the water I go to the beach. It should not be opened. Propose staggered rates, area at the corner could be a walk way, put palapas, this would be open only to people paying fees, only Laguna Vista residents. People don't take care of anything that is free. We need to work together and resolve this issue.

Jerry Harbin suggested using the other side of the marina, making a walkway and fence in area. That area on that side of the marina is not used and there's plenty of space.

Richard Hinojosa stated that the marina property does not belong to the Town Council or the LVRA, it belongs to the citizens of Laguna Vista.

Sid Ramos stated that this could be a Pandora's box, there a lot of unknowns to go public. The elephant in the room is to open to the Laguna Vista citizens, this could be a big flop. Who's going to BBQ over there? I won't, if I want to BBQ, I do it in the comforts of my backyard.



Rudy Garcia stated that apparently there are 3 issues, the park area, the fees and the 25 years. Let's resolve these issues.

Hank Etheridge stated that he took offense to LVRA being called "they" we are they the citizens. We have time to review we have 4 years.

Victor Worrell stated that LVRA is not a special interest group any citizen in Laguna vista can join and become a member.

Council Member Meschi suggested that this item be placed on the agenda again, with any notes or revisions.

Rolando Vela stated that the attorney will need direction from what the Town Council as to what their wishes are or changes.

Mayor Houston stated that it will be placed on the Town Council May 2017 agenda and LVRA will get a chance to review any changes.

## 5. ADJOURNMENT

**Council Member Davalos made a motion to adjourn meeting at 8:29 pm, Council Member Reyes 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



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