

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

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

DATE: NOVEMBER 9, 2010

TIME: 6:00 p.m.

PLACE: City Hall Building

MEMBERS PRESENT: Susie Houston, Mayor
Ken Irwin, Mayor Pro-Tem
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: None

ALSO PRESENT: Rafael Salazar, Citizen
Nancy Ostos, Parks & Recreation Member
Jim Gillum, Parks & Recreation Member
Art Everson, Citizen
Lee Everson, Citizen
Scott Hartsfield, PIHS Band Director
Estella Pineda, PIISD Superintendent
Fernando Lopez, Parks & Recreation Member
Arden Curts, Citizen
Leticia Ogletree, Citizen
Richard Hinojosa, Citizen
Justin Awtrey, Citizen
Bill Beaty, Citizen
Gabby Muschenheim, Parks & Recreation Member
Abby Muschenheim, Citizen
Barbara Everson, Citizen
Anne Lyons, Citizen
Gabriella Bocanegra, Citizen
Roberto Rodriguez, Planning & Zoning Commission
Angel Arce, Gulf Coast Signs
Gene Clancy, Stripes LLC
David Boughter, Youth Pastor
Betty Tague, Citizen
Carole A Benham, Citizen
Glen Benham, Citizen
Bud Sherman, Citizen
Donna Sherman, Citizen

ORDER OF BUSINESS

1. Call to Order

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

2. Pledge and Invocation by Pastor David Boughter

3. Roll Call – All present

4. PROCLAMATIONS/ACKNOWLEDGEMENTS

a) VOLUNTEERS – Recognition of the volunteers that set up and prepared yellow bows and ribbons in celebration of the veterans and their families visiting South Padre Island. Mayor recognized Leti Keplinger, Rolando Vela, David Padberg, Gabby Muschenheim, Ken Irwin, Susie Houston, and Alma Deckard for their help with the celebration of the veterans families that came to visit South Padre Island.

b) PORT ISABEL HIGH SCHOOL BAND – A Proclamation recognizing the Port Isabel High School Band for placing 4th at the UIL State Marching Band Contest. Mayor read the proclamation honoring the Port Isabel High School Silver Tarpon Band for placing 4th in State Marching competition.

c) ART & LEE EVERSON – A proclamation in honor of their 65th wedding anniversary. Mayor read the proclamation honoring Art & Lee Everson for their 65th wedding anniversary.

5. OPEN FORUM: At this time, audience is allowed 5 minutes per person to address the Board on any topic. There is no discussion or formal action taken during this agenda item. A Speaker Request Form must be presented to the City Secretary prior to the meeting.

Rafael Salazar asked the Board to review and consider stopping the construction of the building that AT&T is constructing at the entrance of Palm Blvd.

Arden Curts submitted pictures to the Board concerning an RV parked in a driveway. He asked that the Board consider supporting the petition submitted by the Lakewood residents.

Richard Hinojosa addressed the Board stating that any alderman that received any political contributions should not discuss items concerning municipal court. He also stated that about three months ago an alderman spoke on behalf of the church, in favor of the church facility. He stated that the particular alderman should not participate in any discussion concerning the church, which may end up in litigation.

6. CONSENT AGENDA ITEMS: All matters listed under this item are considered to be routine by the Board and will be enacted for approval 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 October 12, 2010 Regular Board of Aldermen Meeting.

b) CDC OBLIGATIONS – Approval of the current obligations from the Laguna Vista Community Development Corporation (CDC).

Alderswoman Garcia made a motion to approve the consent agenda items as follows: (a) approval of the minutes from the Board of Aldermen Meeting on October 12, 2010, (b) approval of the current obligations from the Laguna Vista Community Development Corporation (CDC), motion was seconded by Alderman Irwin. All voted "aye" to approve, motion carried unanimously.

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

A. LAKEWOOD DRIVE PETITION – To discuss the petition submitted by residents from Lakewood Drive to regulate motorized vehicles on Lakewood Drive.

Alderswoman Garcia made a motion to direct staff to review the ordinances concerning commercial vehicles for the next meeting, motion was seconded by Alderswoman Keplinger. All voted "aye" to approve, motion carried unanimously.

B. ORDINANCE NUMBER 2010-27 – An ordinance amending Ordinance Number 2010-19 regulating motorized vehicles on Lakewood Drive.

Alderswoman Garcia made a motion to table item 7B – Ordinance Number 2010-27, regulating motorized vehicles on Lakewood Drive, motion was seconded by Alderswoman Keplinger. All voted "aye" to approve, motion carried unanimously.

C. PARKS UPDATE – An update by the Parks Advisory Board Chair on Roloff Park improvements and the 15 acre tract of land.

Jim Gillum did a power point presentation concerning Roloff Park and the possible improvements that the Parks Board is considering.

Fernando Lopez stated that he was not aware of this presentation, that it was not shown to the Parks Board.

Nancy Ostos did a power point presentation concerning the 15 acres and what possibilities of development.

D. PARKS BOARD APPOINTMENTS – To appoint and fill two (2) unexpired terms to the Parks & Recreation Board, due to expire November 2011.

Alderswoman Keplinger made a motion to appoint Desean Howard and Ivy Murchison to the unexpired terms to end November 2011 on the Parks & Recreation Board.

E. STRIPES SIGN – Request from Stripes to exceed maximum height and size of signs as set forth in Sign Ordinance Number 2008-31 for a flag mount sign at the Stripes Store location and the Planning and Zoning Commission recommendation thereon.

Alderman Schnier made a motion to approve the Planning & Zoning Commission recommendation to allow the Stripes sign with a forty (40) foot pole with four (4) eight (8) x eight (8) flag mounts, motion was seconded by Alderman Muschenheim. All voted "aye" to approve, motion carried.

F. STRIPES SIGN – Request by Stripes to exceed maximum height and size of signs as set forth in Sign Ordinance Number 2008-31 for a high rise sign at the Stripes store location and the Planning and Zoning Commission recommendation thereon.

Alderman Schnier made a motion to deny the Planning & Zoning Commission recommendation of fifty (50) foot size, and approve a seventy-two (72) foot sign with two (2) sixteen (16) by sixteen (16) foot illuminated cabinet signs with a welcome Laguna Vista sign to be determined by Stripes, at the expense of Stripes, or alternatively for the expense to be split between Stripes and the Town of Laguna Vista, with size and artwork to be determined; and with the Board of Aldermen to review the height of the seventy-two (72) foot sign in five years, motion was seconded by Alderman Muschenheim. All voted "aye" to approve, motion carried.

G. SPI DEVELOPMENT REPLAT – To approve the replatting of parcel 17b of the South Padre Island Development, LLC.

Alderman Irwin made a motion to approve the replatting of Parcel 17B of the South Padre Island Development, LLC, motion was seconded by Alderwoman Keplinger. All voted "aye" to approve, motion carried.

H. RESOLUTION NUMBER 2010-28 – A resolution approving the submittal of the 2011-2012 Community Development Block Grant application.

Alderman Schnier made a motion to approve Resolution 2010-28 for the submittal of the 2011-2012 Community Development Block Grant application, motion was seconded by Alderman Muschenheim. All voted "aye" to approve, motion carried.

I. 2010-11 IT CONTRACT – CITY HALL – To approve the 2010-11 IT Contract for the city hall computers/servers.

Alderman Irwin made a motion to approve the 2010-11 City Hall IT Contract between the Town and Net-Link, Inc. for \$7,200, motion was seconded by Alderwoman Keplinger. All voted "aye" to approve, motion carried.

J. 2010-11 IT CONTRACT – LIBRARY – To approve the 2010-11 IT Contract for the Library computers/servers.

Alderman Garcia made a motion to approve the 2010-11 Library IT Contract between the Town and Net-Link, Inc. for \$3,600, motion was seconded by Alderman Muschenheim. All voted "aye" to approve, motion carried.

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

● Christ Harbor Church

There will be an executive session pursuant to Texas Government Code §551.074 to deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee.

● Municipal Judge

Alderman Garcia made a motion to go into executive session at 7:35 pm, 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 - Christ Harbor Church, and; Texas Government Code §551.074 to deliberate the Appointment, Employment, Evaluation, Reassignment, Duties, Discipline, or Dismissal of a Public Officer or Employee - Municipal Judge, motion was seconded by Alderman Irwin. All voted "aye" to approve, motion carried.

Board of Aldermen came out of executive session at 8:50 pm.

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

Alderman Schnier made a motion to extend the deadline for Christ Harbor Church, regarding the removal of the accessory building, to December 31, 2010, to allow time for legal to discuss a possible compromise decision, motion was seconded by Alderman Irwin. All voted "aye" to approve, motion carried.

8. MUNICIPAL JUDGE COMPENSATION – To determine compensation for the municipal judge(s).
Municipal Judge Compensation was included in the motion for Resolution Number 2010-23.

9. RESOLUTION NUMBER 2010-23 – A resolution appointing the Municipal Judge(s), setting compensation and repealing any resolution in conflict therewith.
Alderman Schnier made a motion to approve Resolution Number 2010-23 appoint the Municipal Judges, setting compensation and repealing any resolution in conflict therewith; with J.O. Lewis as municipal judge and Benny Ochoa as alternate judge; compensation is set at \$75 per hour per court session, motion was seconded by Alderman Muschenheim. All voted “aye” to approve, motion carried.

10. CITY MANAGER'S REPORTS

- a) Veterans Day, November 11, 2010

Rolando Vela announced that the Veterans ceremony will be November 11, 2010 at Veterans Park at 4:30 pm.

- b) Laguna Vista Live: Music by the Bay, November 13, 2010

Rolando Vela announced that the Music Fest will take place on Saturday, November 13, 2010, from 5 – 9 pm, at Roloff Park.

- c) Tri-City Meeting, December 7, 2010

Rolando Vela announced that the Town will be hosting the next Tri-City meeting on December 7, 2010 at 6 pm.

11. ADJOURNMENT

Alderman Irwin made a motion to adjourn meeting at 9:07 p.m., second by Alderman Muschenheim. All voted “aye” to adjourn, motion carried.

Susie Houston, Mayor

Attest:

Alma Deckard, City Secretary