

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

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

DATE: DECEMBER 14, 2010

TIME: 6:00 p.m.

PLACE: City Hall Building

MEMBERS PRESENT: Susie Houston, Mayor
Ken Irwin, Mayor Pro-Tem
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: Rita Garcia, Alderwoman

ALSO PRESENT: Richard Hinojosa, Citizen
Justin Awtrey, Citizen
Richard Lane, Citizen
Anne Lyons, Citizen
Bobbie Everson, Citizen
Linda Karcanes, Citizen
Don Badeaux, Municipal & Corporate Services
Michelle Davis, Municipal & Corporate Services
Maria Saldivar, Harlingen, Texas
Gerardo Saldivar, Citizen
Roberto Rodriguez, Citizen
John Karcanes, Citizen
Orlando Cruz, Cruz-Hogan Engineers

ORDER OF BUSINESS

1. Call to Order

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

2. Pledge and Invocation by Alma Deckard

3. Roll Call – Alderwoman Garcia was absent.

4. PROCLAMATIONS/ACKNOWLEDGEMENTS

- a) Derry Dolls Proclamation – To recognize the Derry Dolls.
This item was pulled from the agenda by the Mayor.

b) Recognition – To recognize Chris Hawley with Mesquite Coastal Carvings for the dolphin wood carving across the street from Town Hall.
This item was pulled from the agenda by the Mayor

c) Recognition – To recognize those who helped at the Veterans' Day Program.
Mayor expressed thanks to the VFW and American Legion for their participation in the Veterans Day Program. Also participating in the Program were Kimberly Valdez and family, US Coast Guard, Rio Grande Marine Institute (RGMI) kids, and staff.

d) Recognition – To recognize employees and volunteers for setting up Christmas Decorations.
Mayor expressed thanks to Steve and Gabby Muschenheim and the RGMI kids for their help in setting up Christmas decorations, along with staff.

e) Recognition – To recognize employees and volunteers for setting up and participating in the December 2, 2010 Christmas Tree Lighting Ceremony.
Mayor expressed thanks to the RGMI kids, Kimberly Valdez and family, the Laguna Madre Christian Academy Choir for their participation in the Christmas Tree Lighting Ceremony. She also expressed appreciation to Robert Rodriguez for playing Santa and Glen and Carol Benham for the vehicle to parade Santa around.

5. OPEN FORUM:

Gerardo Saldivar addressed the Board concerning the sexual assault of his daughter. He was upset because the municipal judge released the defendant on a personal recognize bond and he continues to harass his daughter. He asked for an explanation as to why someone would be released PR bond for a violent crime. He asked that the Board look into the matter with the municipal judge. Mr. Saldivar expressed appreciation to the police department for a job well done.

Maria Saldivar addressed the Board concerning her daughter's sexual assault. She wishes that the judge had spoken to the victims' family and be concerned about the victim. She stated that she had to miss 3 days of work to stay with her daughter because the defendant continues to make contact with her. She feels that the judge should consider the victim and not the defendant in this case.

Richard Lane addressed the Board with regard to the installation of speed limit signs at the north end of Palo Blanco. He is concerned because there are lots of children always playing in the street. He also asked that the flags at city hall, veterans' park and the library be replaced when they become tattered.

6. PUBLIC HEARING – To close out the TCDP Contract Number 728220 grant.
Mayor opened the public hearing to close out the Texas Community Development Program (TCDP) Contract Number 728220 grant.

Don Badeaux explained that this is a continuation of the drainage project that the Town has been working on for several years. The project is not complete and a public hearing is required to close out the grant.

Mayor closed the public hearing for the TCDP Project 728220 grant.

7. CONSENT AGENDA ITEMS:

- a)** MINUTES - Consideration and action to approve minutes from the November 9, 2010 Regular Board of Aldermen Meeting.
- b)** CURRENT OBLIGATIONS – Approval of the current obligations from the Texas Community Development Program Contract Number 728220 Grant.
- c)** CURRENT OBLIGATIONS – Approval of the current obligations from the Library Money Market Account.
- d)** BOYS & GIRLS CLUB OF THE LAGUNA MADRE AREA AGREEMENT – Approval of the agreement between the Boys & Girls Club of Laguna Madre and the Town of Laguna Vista for the 2010-11 fiscal year.
- e)** TEXAS FOREST SERVICE – Approval to submit an application to the Texas Forest Service for personal protective equipment (bunker gear) for the Fire Department in the amount of \$8,400.
- f)** TEXAS FOREST SERVICE - Approval to submit an application to the Texas Forest Service for training materials for the Fire Department in the amount of \$9,000.

Alderman Schnier requested that item a) the minutes for the November 9, 2010 regular Board of Aldermen meeting be considered in a separate motion.

Alderman Irwin made a motion to approve the consent agenda items as follows (b) to approve the current obligations from the Texas Community Development Program Contract Number 728220 grant, (c) to approve the current obligations from the Library Money Market Account, (d) to approve the agreement between the Boys & Girls Club of Laguna Madre and the Town for the 2010-11 fiscal year, (e) to approve the submittal of the application to the Texas Forest Service for personal protective equipment (bunker gear) for the Fire Department in the amount of \$8,400, (f) to approve the submittal of the application to the Texas Forest Service for training materials for the Fire Department in the amount of \$9,000, motion was seconded by Alderwoman Keplinger. All voted "aye" to approve, motion carried.

Alderman Schnier made a motion to approve consent agenda item (a) approval of the minutes from the Board of Aldermen Meeting on November 9, 2010, with the corrections made to page, 4, item F, motion was seconded by Alderman Irwin. All voted "aye" to approve, motion carried.

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

- A.** CDC FUNDING – To approve the Laguna Vista Community Development Corporation's recommendation to fund the Town's portion of the Laguna Vista sign that Stripes will be adding to its high rise pole
Alderman Schnier made a motion to approve the Laguna Vista Community Development Corporation (CDC) to fund the Town's portion of the Laguna Vista sign that Stripes will be adding to its high rise pole, with a cap of \$14,000 for expenditures, motion was seconded by Alderman Muschenheim. All voted "aye" to approve, motion carried.
- B.** CDC APPOINTMENT – To fill the vacancy in the Laguna Vista Community Development Corporation for a two year term (Nov 2010-12).
Alderman Schnier made a motion to appoint John Karcanes to the vacancy in the Laguna Vista Community Development Corporation for a two year term from November 2010-12, motion was seconded by Alderwoman Keplinger. All voted "aye" to approve, motion carried.
- C.** VEHICLE SEALED BIDS – To award the sealed bid for the 2007 Chevrolet Impala patrol unit.
Alderman Irwin made a motion to award the sealed bid for the 2007 Chevrolet Impala patrol unit to Martin Cantu with a submitted bid of \$750, motion was Seconded by Alderman Muschenheim. All voted "aye" to approve, motion carried.
- D.** RESOLUTION NUMBER 2010-29 – To approve Resolution Number 2010-29 authorizing the South Texas Aggregation Project, Inc. (STAP) to negotiate an extension of the current electric supply, authorizing STAP to act as agent on behalf of the Town.
Alderman Irwin made a motion to approve Resolution Number 2010-29, authorizing the South Texas Aggregation Project, Inc. (STAP) to negotiate an extension of the current electric supply, authorizing STAP to act as agent on behalf of the Town, motion was seconded by Alderman Muschenheim. All voted "aye" to approve, motion carried.
- E.** VETERANS PARK MONUMENT – To build a monument at Veterans Park to honor local veterans.
No action was taken on item 8E – Veterans Park Monument.

- F. HOTEL OCCUPANCY TAX** – To use the Town's hotel occupancy tax revenues for advertising to promote Laguna Vista.
Alderman Irwin made a motion to authorize the city manager, along with SPI Golf Club Director Justin Awtrey or with a committee to look into ways of spending the Hotel Occupancy Tax (HOT) funds and report back to the Board, motion was seconded by Alderman Muschenheim. All voted "aye" to approve, motion carried.
- G. ENGINEERING SERVICES AGREEMENT** – To award professional engineering services agreement to Cruz Hogan Consultants, Inc. for Phase I of the FEMA Mesquite Drive drainage improvements project.
Alderman Schnier made a motion to award the professional engineering services agreement to Cruz-Hogan Consultant, Inc, for Phase I of the FEMA Mesquite Drive drainage improvement project, motion was seconded by Alderman Muschenheim. All voted "aye" to approve, motion carried.
- H. CITY MANAGER'S REPORT**
- a) December 15, 2010 Reception for Congressman-Elect R. Blake Farenthold.
Rolando Vela announced that a welcome reception is scheduled for Congressman-election R. Blake Farenthold, on Wednesday, December 15, 2010 at 5:30 pm.
- b) Stripes Update
Rolando Vela informed the board that the Stripes store will open December 22, 2010 and the traffic light should be operating by this date. The transmission pole will be removed.
- c) Envisioning Retreat Update
Rolando Vela stated that a tentative date of January 15, 2011 is set for the follow up envisioning retreat update.
- I. 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
- J.** Alderman Irwin made a motion to go into executive session at 6:47 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, motion was seconded by Alderwoman Keplinger. All voted "aye" to approve, motion carried.

Board of Aldermen came out of executive session at 7:25 pm.

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

Alderman Irwin made a motion concerning the Christ Harbor Church to reiterate its offer to grant a permit to Christ Harbor Church for two (2) years with guarantee upon signing that the Town will issue utility permits assuming all Town permitting requirements have been met; if not accepted, the Church needs to remove the temporary structure by January 1, 2011 or fines of \$500 per day will be imposed, motion was seconded by alderman Muschenheim. Alderman Schnier opposed motion. All other voted "aye" to approve, motion carried.

8. ADJOURNMENT

Alderman Muschenheim made a motion to adjourn meeting at 7:26 p.m., second by Alderman Irwin. All voted "aye" to adjourn, motion carried.

Susie Houston, Mayor

Attest:

Alma Deckard, City Secretary