

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

MINUTES OF A REGULAR MEETING OF THE LAGUNA VISTA TOWN COUNCIL

DATE: AUGUST 9, 2011

TIME: 6:00 p.m.

PLACE: City Hall Building

MEMBERS PRESENT: Susie Houston, Mayor
Steve Muschenheim, Council Member
Rita Garcia, Council Member
Leti Keplinger, Council Member
Michael Carter, Council Member
Paul Villas, Council Member

Rolando Vela, City Manager
Ramon Vela, Town Attorney
Pura Mireles, Library Director
Robert McGinnis, Police Chief
Alma Deckard, City Secretary

MEMBERS ABSENT: William Schnier, Council Member (leave of absence)

ALSO PRESENT: Amalia Garza, Cameron Willacy County Community Project
Arden Curts, Citizen
Nancy Franz, Citizen
Craig McWhinney, Christ Harbor Church
Celeste Morris, Citizen
Richard Hinojosa, Citizen
Justin Awtrey, Citizen
Carole Benham, Citizen
Jeannette Regan (sp), Citizen
Cornelius Regan, Citizen
Richard Lane, Citizen
Bonita Carson, Citizen
Stan Backues, Citizen
Yolanda Birdwell, Citizen
John Karcanes, Citizen
Walter Birdwell, Citizen
Bud Sherman, Citizen
Donna Sherman, Citizen
Karen Mackesey, Citizen
David Carpenter, Citizen
Roberto Rodriguez, Citizen
Martha McClain, Citizen
Odelia Mireles, Guest
Andy Mireles, Jr., Guest

ORDER OF BUSINESS

1. Call to Order

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

2. Pledge and Invocation was lead by Council Member Rita Garcia.

3. Roll Call – Council Member Schnier was on leave of absence.

Tony Jaso from Estrada Hinojosa Investment Bankers reviewed several scenarios of Certificate of Obligations amounts that the board may consider for issuance. If the board decides on \$600,000 the average annual payment would be \$46,099 with a total debt of \$921,975. At the high end, if the board decides on \$2 million the average payment would be \$153,775 with a total debt of \$3,075,500. Tonight the board simply needs to set a cap amount that they will not exceed.

4. Open Forum:

Celeste Morris addressed the Town Council, expressing thanks for the drainage project that will finally begin on Palo Blanco Drive. She asked that the town have some kind of mosquito control. Ms. Morris suggested that any bond issuance should be put to the voters for approval. She also mentioned that the Christ's Harbor church agenda item should be approved.

Craig McWhinney explained that Christ Harbor Church wants to allow the Cameron Willacy County Community Project to use the church annex building to assist the public. The Project assists with utilities, weatherization of homes and emergency energy crises.

Amalia Garza addressed the Council explaining the mission of the Cameron Willacy County Community Project to assist local citizens.

Richard Lane addressed the Council about Ordinance 2011-24 concerning property maintenance. He stated that there are many trees on Highway 100 that need to be trimmed because the branches are touching the electrical wires.

Stan Backues addressed the Council concerning the lack of Parks & Recreation Board Meetings. He stated that the Parks Board has not had a meeting in four months for lack of a quorum. He suggested that members be replaced with people that want to serve and commit to the board.

5. 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 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 July 12, 2011 Regular Council Meeting.
- b)** MINUTES – Consideration and action to approve the minutes from the July 28, 2011 Special Council Meeting.
- c)** TEXAS FOREST SERVICE GRANT – To authorize the Fire Chief to submit a grant application for \$1,250, for tuition reimbursement for five firefighters to attend the State Fire Fighters Marshals Association Basic Firefighters' course.
- d)** GENERATOR/FUEL TANK - To authorize Town Staff to either auction off or sell the generator and fuel tank.

Council Member Villas made a motion to approve the consent agenda items as follows: (a) approval of minutes for the regular Council Meeting on July 12, 2011, (b) approval of the minutes for the special Council Meeting on July 28, 2011, (c) approval for the Fire Chief to submit a grant application to the Texas Forest Service for tuition reimbursement for firefighters to attend the State Fire Fighters Marshals Association Basic Firefighters' course, (d) approval to authorize Town Staff to either auction off or sell the generator and fuel tank, Council Member Muschenheim seconded the motion. All voted "aye" to approve, motion carried.

6. PUBLIC HEARING – 2011-12 Fiscal year budget.

Mayor opened the public hearing for the 2011-12 fiscal year budget.

Rolando Vela explained that the budget is at bare bone, with only necessities included. There was a \$7 million decrease in property valuations contrary to last year from 265,037,366 to 247,813,904. The 2011-12 budget will decrease from last year's budget of \$1,239,575 to \$1,184,627.

Bud Sherman stated that if the budget is that tight, then we don't need park improvements.

Celeste Morris stated that she understands that funds are needed to keep the city going.

Bonita Carson stated that the park improvements should wait. You are only throwing money away because with the drought nothing is growing right now. There's no point in planting trees that are not going to survive.

Mayor closed the public hearing for the 2011-12 fiscal year budget.

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

- A.** RESOLUTION NUMBER 2011-25 – Consideration and approval of Resolution Number 2011-25 by the Town Council of the Town of Laguna Vista, Texas authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12 and providing an effective date. (City Manager)

Council Member Muschenheim made a motion to approve Resolution Number 2011-25 authorizing and approving publication of Notice of Intention to issue Certificates of Obligation; setting the cap amount at \$2,000,000 (two million dollars), and complying with the requirements contained in Securities and Exchange Commission Rule 15c2-12 and providing an effective date, Council Member Carter seconded the motion. All voted "aye" to approve, motion carried.

- B.** RESOLUTION NUMBER 2011-26 – Consideration and approval of Resolution Number 2011-26 by the Town Council of the Town of Laguna Vista, Texas authorizing and approving and establishing the Town's intention to reimburse itself for prior lawful expenditure of funds relating to constructing, improving, and equipping public facilities from the proceeds of one or more Series of Obligations to be issued by the Town for authorized purposes; authorizing other matters incident and related thereto; and providing an effective date. (City Manager)

Council Member Muschenheim made a motion to approve Resolution Number 2011-26 by the Town Council authorizing and approving and establishing the Town's intention to reimburse itself for prior lawful expenditures of funds relating to constructing, improving, and equipping public facilities from the proceeds of one or more Series of Obligations to be issued by the Town for authorized purposes, authorizing other matters incident and related thereto; and providing an effective date, Council Member Carter seconded the motion. All voted "aye" to approve, motion carried.

- C.** ORDINANCE NUMBER 2011-23 – Second Reading – An ordinance amending Ordinance 2007-29 establishing new nuisance abatement procedures for abandoned and junk vehicles. (City Manager)

Council Member Villas made a motion to approve and adopt the second reading of Ordinance Number 2011-23, amending Ordinance 2007-29 establishing new nuisance abatement procedures for abandoned and junk vehicles, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.

- D.** ORDINANCE NUMBER 2011-24 – Second Reading – An ordinance amending Ordinance 2007-29 establishing new nuisance abatement procedures for property maintenance. (City Manager)

Council Member Garcia made a motion to approve and adopt the second reading of Ordinance Number 2011-24, amending Ordinance 2007-29

establishing nuisance abatement procedures for property maintenance, Council Member Villas seconded the motion. All voted "aye" to approve, motion carried.

- E.** T.D.R.A DISASTER RECOVERY PROJECT EBONY LANE – To award a contract for the T.D.R.A. Disaster Recovery Project, drainage Improvements on Ebony Lane. (City Manager)
Council Member Muschenheim made a motion to award the contract for Texas Department of Rural Affairs Disaster Recovery Project, drainage improvement project on Ebony Lane to M.R. Services for the bid price of \$69,640, Mayor Houston seconded the motion. All voted "aye" to approve, motion carried.
- F.** T.D.R.A. CDBG Project 710389 Phase IV – To reject sealed bids for the T.D.R.A. Community Development Block Grant Project 710389 Phase IV, Street and Drainage Improvements. (City Manager)
Council Member Garcia made a motion to reject all the sealed bids received for the Texas Department of Rural Affairs CDBG project 710389 Phase IV, all bids were over budget, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.
- G.** IT CONTRACT 2011-12 – Consideration to approve the IT Contract with Net Link, Inc. for the 2011-12 fiscal year. (Police Chief)
Council Member Garcia made a motion to approve the IT contract with Net Link, Inc, for the 2011-12 fiscal year for \$9,000 annual fee, Council Member Carter seconded the motion. All voted "aye" to approve, motion carried.
- H.** AUDIT SERVICES – Approval to hire a firm to perform the auditing services for the 2010-11 fiscal year. (City Manager)
Mayor Houston made a motion to hire Pattillo, Brown & Hill Firm to perform the 2010-11 fiscal year audit, for a fee of \$16,000, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.
- I.** LEGAL SERVICES – Approval to hire a firm or an attorney to serve as the Town Attorney. (City Manager)
Mayor Houston made a motion to hire Attorney Ramon Vela as the Town Attorney, with an hourly rate of \$125 and pre-trials and trials at a rate of \$250, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.
- J.** BOARD AND COMMISSION HANDBOOK – To adopt the updated Board and Commission Handbook. (City Manager)
Council Member Muschenheim made a motion to table item 7J – Board and Commission Handbook until the September 13, 2011 meeting, Council

Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.

- K.** ORDINANCE NUMBER 2011-27 – First Reading – To adopt Ordinance Number 2011-27 to prohibit sexual oriented and gambling businesses within the Town of Laguna Vista. (City Manager)
Council Member Keplinger made a motion to approve and adopt the first reading of Ordinance Number 2011-27 to approve and adopt the prohibition of sexual oriented and gambling businesses within the Town of Laguna Vista, Council Member Villas seconded the motion. All voted "aye" to approve, motion carried.
- L.** RESOLUTION NUMBER 2011-28 – To adopt Resolution Number 2011-28 adopting the Town map that includes the corporate limits of the Town of Laguna Vista. (City Manager)
Council Member Villas made a motion to approve Resolution Number 2011-28 adopting the Town map that includes the boundaries of the corporate limits of the Town of Laguna Vista, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.
- M.** RESOLUTION NUMBER 2011-29 – To adopt Resolution Number 2011-29 adopting the Town map that includes the one mile Extra Territorial Jurisdiction (ETJ) of the Town of Laguna Vista.
Council Member Villas made a motion to approve Resolution Number 2011-29 adopting the boundaries of the Town map that includes the one mile Extra Territorial Jurisdiction (ETJ) of the Town of Laguna Vista, Council Member Garcia seconded the motion. All voted "aye" to approve, motion carried.
- N.** ORDINANCE NUMBER 2011-30 – First Reading – To adopt Ordinance Number 2011-30 amending the 2010-11 Fiscal Year Budget. (City Manager)
Council Member Villas made a motion to approve and adopt the first reading of Ordinance Number 2011-30 amending the 2010-11 Fiscal Year Budget, Council Member Garcia seconded the motion. All voted "aye" to approve, motion carried.
- O.** ORDINANCE NUMBER 2011-31 – First Reading - To adopt an Ordinance Number 2011-31 adopting the 2011-12 Fiscal Year Budget for the Town. (City Manager)
Council Member Villas made a motion to approve and adopt the first reading of Ordinance Number 2011-31 adopting the 2011-12 fiscal year budget for the Town, Council Member Muschenheim seconded the motion. All voted "aye" to approve, motion carried.
- P.** PROPERTY TAX RATE – To set and Not to Exceed Tax Rate and take a record vote for the 2011 property ad valorem tax rate for Truth In Taxation Purposes. (City Manager)

Council Member Garcia made a motion to set and not to exceed the tax rate for the 2011 property ad valorem tax rate for Truth In Taxation Purposes at \$0.3386 and the debt service at \$0.0652, Council Member Muschenheim seconded the motion. Record vote was as follows:

Mayor Houston – Yes
Council Member Rita Garcia – Yes
Council Member Steve Muschenheim – Yes
Council Member Leti Keplinger – Yes
Council Member Paul Villas – Yes
Council Member Michael Carter – Yes
Council Member Bill Schnier – was absent

All voted “aye” to approve, motion carried.

Q. CITY MANAGER’S REPORT

- i. Summer Feeding Program – Rolando Vela informed the Board that the Summer Feeding Program will go on for another two weeks. There will be a health screening for the children to get checked and drawings are still being held on Fridays.
- ii. Allied Waste Services Audit – Rolando Vela informed the Board that Allied Waste Services conducted an audit of the service account in the Town. There are approximately 300 properties with no service contract with Allied Waste Collection. A letter will be sent to each property owner on the audit list.

R. 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 on legal matters in which the duty of the governmental body under the Texas Disciplinary Rules of Professional Conduct of the state Bar of Texas conflicts with the Texas Government Code Section 551.001 et seq. authorizing a government body to consult with its attorney in an executive session and to seek his and her advice on legal matters pending or contemplated litigation.

- Christ’s Harbor Church
- Department of Justice (DOJ) – Home Rule Charter Letter

EXECUTIVE SESSION – There will be an executive session as authorized by the Open Meetings Act, pursuant to Section 551.074(a)(1)(2); to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee.

- Municipal Judge Applicants

Council Member Keplinger made a motion to go into executive session at 7:36 pm, pursuant to the Open Meetings Act, Section 551.071 consultation with Town Attorney, concerning Christ’s Harbor Church and Department of Justice Home Rule Charter Letter, and Section 551.074(a)(1)(2) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or

dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee, in particular Municipal Judge Applicants, Council Member Garcia seconded the motion. All voted "aye" to approve, motion carried.

Town Council came out of executive session at 8:25 pm.

- S.** MUNICIPAL COURT ALTERNATE JUDGE(s) – To appoint the municipal court alternate judge(s).
Mayor Houston made a motion to appoint Benny Ochoa as the alternate municipal court judge, effective immediately, and direct the Town Attorney to prepare a service agreement and authorize the Mayor to execute said agreement, Council Member Keplinger seconded the motion. Council Members Garcia and Villas opposed motion. All other voted "aye" to approve, motion carried.

- T.** MUNICIPAL COURT JUDGE – To appoint the municipal court judge.
Mayor Houston made a motion to appoint Roberto Rodriguez as the Municipal Court Judge, effective immediately, and direct the Town Attorney to prepare a service agreement and authorize the Mayor to execute said agreement, Council Member Muschenheim seconded the motion. Council Member Garcia opposed the motion. All others voted "aye" to approve, motion carried.

Council Member Garcia asked that the Board return to item 7S – Municipal Court Alternate Judge(s). Ramon Vela explained that only a member from the winning sign of the motion could request to go back to the item. Since Council Member Garcia opposed the motion, she could not make the request to return to the item. The other Council Members, voting in favor of the motion, had the opportunity to make the request to return to the agenda item. No request was made.

- U.** CHRIST'S HARBOR CHURCH – To consider a request from Christ's Harbor Church to allow the Cameron and Willacy Counties Community Project, Inc., to operate in the portable building.
Council Member Villas made a motion to allow the Christ's Harbor Church to house the Cameron Willacy Counties Community Projects (CWCCP) in the modular building adjacent to the church building, from August 2011 to August 2012, Monday through Friday, 8 -5 pm; and allow a 10 square foot sign for the CWCCP, Mayor Houston seconded the motion. Council Member Muschenheim was opposed to the motion. All others voted "aye" to approve, motion carried.
- V.** OPEN SESSION – Consideration and potential action as a result of the Executive Session items.

No other action was taken as a result of executive session.

8. ADJOURNMENT

Council Member Villas made a motion to adjourn meeting at 8:44 pm, Council Member Muschenheim seconded the motion. All voted "aye" to approve, motion carried.

Susie Houston, Mayor

Attest:

Alma Deckard, City Secretary