

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

MINUTES OF A REGULAR MEETING OF THE LAGUNA VISTA TOWN COUNCIL

DATE: SEPTEMBER 13, 2011

TIME: 6:00 p.m.

PLACE: City Hall Building

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

Rolando Vela, City Manager
Robert McGinnis, Police Chief
Alma Deckard, City Secretary

MEMBERS ABSENT: Rita Garcia, Council Member

ALSO PRESENT: Richard Hinojosa, Citizen
Carole A Benham, Citizen
Jim Van Belle, Citizen
Andres Diamond-Ortiz, Estrada & Hinojosa Bankers
Robert Matoush, Citizen
Sherry Van Belle, Citizen
Richard Lane, Citizen
Ronaldo Garcia, Texas Gas Service
Mike Thomas, Citizen
Bettina Tolin, Citizen
Billie Reilly, Citizen
Roberto Rodriguez, Citizen
Bud Sherman, Citizen
Donna Sherman, Citizen
Yolanda Birdwell, Citizen
Justin Awtrey, Citizen
Karen Mackesey, Citizen
Celeste Morris, Citizen
Martha McClain, Citizen

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 Pastor Hamilton Musser.

3. OPEN FORUM:

Jim Van Belle addressed the Council with regard to the Section 4.05 of the Home Rule Charter, concerning the appointment of the municipal judge. He stated that the charter clearly states that the judge appoint should be an attorney where possible. There were applicants that are attorneys, therefore it was possible for an attorney appointment. He requested that this item be placed on the next agenda for discussion.

Celeste Morris addressed the Council concerning the drainage project at the corner of Broadway and FM 510. She also stated that she feels that the municipal judges should be attorneys to be able to draft legal documents. She is glad to see that we are getting a contract for EMS with Port Isabel. She asked if we are going to contract with the City of Port Isabel for the Humane Society Animal Shelter use? Ms. Morris stated that the ordinance on the agenda concerning short term rentals is a bit much. She also stated that the city manager is doing a good job.

4. OATH OF OFFICE – To swear in Roberto Rodriguez and Benny Ochoa as Municipal Judges.

Mayor performed the Oath of office for Robert Rodriguez as the Municipal Judge, and the Oath of office for Benny Ochoa as the Alternate Municipal Judge.

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 August 9, 2011 Regular Council Meeting.
- b)** MINUTES – Consideration and action to approve the minutes from the August 16, 2011 Special Council Meeting.

- c)** MINUTES – Consideration and action to approve the minutes from the August 20, 2011 Special Council Meeting.
- d)** MINUTES – Consideration and action to approve the minutes from the August 30, 2011 Special Council Meeting.
- e)** MINUTES – Consideration and action to approve the minutes from the September 6, 2011 Special Council Meeting.
- f)** CURRENT OBLIGATIONS – Approval of the current obligations from the Library Money Market Account for \$2,397.05.

Council Member Schnier requested that item 6(a) Minutes from the August 9, 2011 regular council meeting be pulled from the consent agenda items for separate discussion.

Council Member Villas made a motion to approve the consent agenda items as follows; (b) approval of the minutes from the Special Council Meeting on August 16, 2011, (c) approval of the minutes from the Special Council Meeting on August 20, 2011, (d) approval of the minutes from the Special Council Meeting on August 30, 2011, (e) approval of the minutes from the Special Council Meeting of September 6, 2011, and (f) approval of the current obligations from the Library Money Market Account for \$2,397.05, Council Member Muschenheim seconded the motion. All voted "aye" to approve, motion carried.

Council Member Muschenheim made a motion to approve consent agenda item (a) approval of the minutes from the Regular Council Meeting on August 9, 2011, Council Mayor Houston seconded the motion. Council Member Schnier opposed motion. All others voted "aye" to approve, motion carried.

Council Member Schnier requested that the issue with the municipal judge appointments be added to the October 18, 2011 regular agenda.

6. PUBLIC HEARING – To solicit input from the public on the proposed fiscal year 2011-12 Budget.

Council Member Villas made a motion to open the public hearing to solicit input from the public on the proposed fiscal year 2011-2012 budget, Council Member Muschenheim seconded the motion. All voted "aye" to approve, motion carried.

Rolando Vela explained that the proposed balanced budget of \$1,177,100 is very conservative. The budget does not include any salary increases and

based on the same tax rate of \$.2932 as last year. Because of the large drop of property values, the tax rate will remain the same.

Rolando Grienier asked if the library is part of the city or is run by donations or privately owned. He also asked about the bag of concrete that has been sitting at the library property for over a month. What will be done with this?

Council Member Villas made a motion to close the public hearing for the proposed fiscal year 2011-2012 budget, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.

7. NEW BUSINESS – Discussion, consideration and possible action on each of the following items:
 - A. ORDINANCE NUMBER 2011-30 – Second Reading – To adopt an Ordinance Number 2011-30 amending the 2010-11 Fiscal Year Budget. (City Manager)
Council Member Carter made a motion to adopt the second reading of Ordinance Number 2011-30 amending the 2010-11 Fiscal Year Budget, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.
 - B. ORDINANCE NUMBER 2011-31 – Second Reading - To adopt an Ordinance Number 2011-31 adopting the 2011-12 Fiscal Year Budget for the Town. (City Manager)
Council Member Schnier made a motion to adopt the second reading of Ordinance Number 2011-31 for the 2011-2012 Fiscal Year Budget, and adding three percent (3%) salary increase, as of October 1, 2011, for all employees, excluding the city manager, while retaining the bottom budget line of \$1,177,100.00 for both revenue and expenditures, Council Member Muschenheim seconded the motion. All voted "aye" to approve, motion carried.
 - C. ORDINANCE NUMBER 2011-32 – Consideration and approval of Ordinance Number 2011-32 authorizing the issuance of the "Town of Laguna Vista, Texas combination tax and limited pledge revenue certificates of obligation, series 2011", providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the issuer and further securing said certificates by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates, including the execution of a paying agent/registrar agreement and purchase contract; complying with the requirements of the letter of representations previously executed with the depository trust company; and providing an effective date. (City Manager)

Council Member Carter made a motion to adopt Ordinance Number 2011-32 authorizing the issuance of the Town of Laguna Vista, Texas combination tax and limited pledge revenue certificates of obligation, series 2011", providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the issuer and further securing said certificates by a lien on and pledge of the pledged revenues of the system; providing the terms and conditions of said certificates and resolving other matters incident and relating to the issuance, payment, security, sale, and delivery of said certificates, including the execution of a paying agent/registrar agreement and purchase contract; complying with the requirements of the letter of representations previously executed with the depository trust company; and providing an effective date, Council Member Schnier seconded the motion. All voted "aye" to approve, motion carried.

- D. RESOLUTION NUMBER 2011-33 – To approve Resolution Number 2011-33 recognizing J.O. Lewis for his service as Municipal Court Judge. (City Secretary)
Council Member Schnier made a motion to approve Resolution Number 2011-33 recognizing J.O. Lewis for his service as Municipal Court Judge, Mayor Houston seconded the motion. All voted "aye" to approve, motion carried.
- E. ORDINANCE NUMBER 2011-34 – First Reading - To adopt Ordinance Number 2011-34 regarding the Texas Gas Service cost of service (COSA) filing, declaring existing rates to be unreasonable, providing for the Town's recovery of the rate expenses. (City Manager)
Council Member Villas made a motion to adopt the first reading of Ordinance Number 2011-34 regarding the Texas Gas Service cost of service (COSA) filing, declaring existing rates to be unreasonable, providing for the Town's recovery of the rate expenses, Council Member Muschenheim seconded the motion. All voted "aye" to approve, motion carried.
- F. RESOLUTION NUMBER 2011-35 – To approve Resolution Number 2011-35 to nominate a candidate for the Cameron Appraisal District Board of Directors, position nine. (City Manager)
Council Member Keplinger made a motion to nominate Janice Cassidy as a candidate for the Cameron Appraisal District Board of Directors, position nine . . . motion died for lack of second.

Council Member Schnier made a motion to table Resolution Number 2011-35 to nominate a candidate for the Cameron Appraisal District Board of Directors, position nine, and place the item on an agenda prior to October 15, 2011, Council Member Carter seconded the motion. All voted "aye" to approve, motion carried.

- G. ORDINANCE NUMBER 2011-36 – First Reading - To adopt Ordinance Number 2011-36 regulating the use by property owners of their homesteads as short term rentals and requiring the collection and remittance of hotel occupancy and sales taxes . (City Manager)
Mayor Houston made a motion to adopt the first reading of Ordinance Number 2011-36 regulating the use by property owners of their homesteads as short term rentals and requiring the collection and remittance of hotel occupancy and sales taxes, Council Member Villas seconded the motion. All voted “aye” to approve, motion carried.
- H. ORDINANCE NUMBER 2011-37 – First Reading – To adopt Ordinance Number 2011-37 regulating any business that operates coin and/or slot machines; requiring permits, fees and Town regulations. (City Manager)
Council Member Muschenheim made a motion to adopt the first reading of Ordinance Number 2011-37 regulating any business that operates coin and/or slot machines; requiring permits, fees and Town regulations, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.
- I. EMERGENCY MEDICAL SERVICES (EMS) CONTRACT – To approve the E.M.S. contract with the City of Port Isabel for the 2011-12 fiscal year. (City Manager)
Council Member Schnier made a motion to approve the Emergency Medical Services (EMS) contract with the City of Port Isabel for the 2011-12 fiscal year, for an annual fee of \$25,000, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.
- J. DISPATCH/JAIL USE AGREEMENT – To approve the Dispatch & Jail Use Agreement with the City of Port Isabel for the 2011-12 fiscal year. (Police Chief)
Council Member Schnier made a motion to approve the Dispatch and Jail Use Agreement with the City of Port Isabel for the 2011-12 fiscal year, Council Member Muschenheim seconded the motion. All voted “aye” to approve, motion carried.
- K. BOARD AND COMMISSION HANDBOOK – To adopt the updated Board and Commission Handbook. (City Manager)
Council Member Schnier made a motion to adopt the updated Board and Commission Handbook, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.
- L. OCTOBER 2011 MEETING – To reschedule the regular October 2011 Town Council meeting. (City Manager)
Council Member Schnier made a motion to re-schedule the regular October 2011 Town Council Meeting from October 11th to October 18, 2011, because of the conflict with the Texas Municipal League (TML)

annual conference, Council Member Villas seconded the motion. All voted "aye" to approve, motion carried.

- M. GENERATOR AND LP TANK – To award a contract for a generator and LP tank. (City Manager)
Council Member Villas made a motion to award the contract for a generator and LP tank to Reliable Electric Company, for \$13,500, Council Member Muschenheim seconded the motion. All voted "aye" to approve, motion carried.
- N. STREETS AND DRAINAGE IMPROVEMENTS – To award a contract to do drainage improvements on Broadway and intersection improvements on FM 510 and Broadway, Highway 100 and Mesquite, and Highway 100 and Palm Blvd. (City Manager)
Council Member Schnier made a motion to table the Street and Drainage Improvements – to award the contract to do drainage improvements at the intersection of Broadway and FM 510, Highway 100 and Mesquite Drive and Highway 100 and Palm Blvd, and bring back to the council within the next two (2) weeks, Council Member Carter seconded the motion. All voted "aye" to approve, motion carried.
- O. PARKS AND RECREATION BOARD – To appoint residents to fill the three vacancies in the Parks and Recreation Board. (City Manager)
Council member Muschenheim made a motion to appoint Bud Sherman, Jack Shanks and Kirstin Sippel to fill the Parks and Recreation Board vacancies, terms to expire September 2013, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.
- P. PLANNING AND ZONING COMMISSION – To appoint residents to fill the two vacancies in the Planning and Zoning Commission. (City Manager)
Council Member Schnier made a motion to appoint Mike Thomas and Ron Urhammer to fill the two (2) vacancies in the Planning and Zoning Commission, terms to expire September 2013, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.
- Q. CITY MANAGER'S REPORT
- i. Ebony Lane Drainage Improvements
Rolando Vela informed the Council that the notice to proceed has been issued for the work from Taylor to Hibiscus.
 - ii. Allied Waste Services Audit Update
Rolando Vela informed the Council that about 300 letters were mailed out for addresses with no service contract with Allied Waste Collection.

The ordinance states that if water connection is active, than waste collection service must be in place. Many of the addresses belong to seasonal residents (winter Texans). Allied Waste will run another audit report sometime in October 2011.

Council Member Schnier suggested that the ordinance pertaining to the waste collection service should be re-visited at the October 18, 2011 meeting.

iii. Summer Feeding Program

Rolando Vela stated that 7700 meals were served during the Summer Feeding Program, which included breakfast and lunch. He recognized Library Director Pura Mireles for all her hard work and participation with the program. Many door prizes were given to the children. There is a possibility that the mayor and town will get State recognition.

- R. 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.

- City Manager

Council Member Schnier made a motion to go into executive session at 8:10 pm, pursuant to 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, Council Member Carter seconded the motion. All voted "aye" to approve, motion carried.

Council came out of executive session at 8:27 pm.

- S. OPEN SESSION – Consideration and potential action as a result of the Executive Session
No action was taken as a result of executive session.

8. ADJOURNMENT

Council Member Schnier made a motion to adjourn meeting at 8:29 pm, Council Member Carter seconded the motion. All voted "aye" to approve, motion carried.

Steve Muschenheim, Mayor Pro-Tem

Attest:

Alma Deckard, City Secretary