

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

MINUTES OF A REGULAR MEETING OF THE LAGUNA VISTA TOWN COUNCIL

DATE: January 10, 2012
TIME: 6:00 p.m.
PLACE: City Hall Building

MEMBERS PRESENT: Susie Houston, Mayor
Steve Muschenheim, Mayor Pro-Tem
Rita Garcia, Council Member
William Schnier, Council Member
Leti Keplinger, Council Member
Michael Carter, Council Member
Paul Villas, Council Member

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

MEMBERS ABSENT: None

ALSO PRESENT: Richard Hinojosa, Citizen
Gloria Curts, Citizen
Arden Curts, Citizen
John Zeigler, Citizen
Betty Bell, Citizen
Clyde Machen, Citizen
Karla Cantrell, Citizen
Chuck Cantrell, Citizen
Elizabeth Etheridge, Citizen
Henry Etheridge, Citizen
Mike Thomas, Citizen
Richard Lane, Citizen
Martha McClain, Citizen
Bud Sherman, Citizen
Donna Sherman, Citizen
Jack Shanks, Citizen
Nancy Ostos, Citizen
Olga Carter, Citizen

ORDER OF BUSINESS

1. **Call to Order**

Mayor Houston called the meeting to order at 6:02 pm.

2. **Invocation and Pledge of Allegiance** was lead by Council Member Villas.

3. **Roll Call** – All present.

4. **OPEN FORUM:**

Betty Bell addressed the Council with regard to the editorial in the Port Isabel Press about the Town's goals to finish projects, get the charter approved by the Department of Justice (DOJ) and restoring honesty and the relationships within the Town Council. The home rule charter needs to be followed, that's what started this whole mess, you (Town Council) not following the charter when it came to the municipal court judge appointment. Just do what's right, our intend was never to attack the person, but the procedure that was followed.

Arden Curts addressed the Town Council stating that at the last meeting Mr. Ridolfi accused the audience of mistreating the Town Council. We have a right to question what the council is doing, especially when they are not following the home rule charter. The Town Attorney inappropriately gave bad advice to the Council, when he recommended that they appoint a non-attorney as municipal judge. The Town Attorney should step down and retire.

Elizabeth Etheridge addressed the board concerning the ordinance regulating garage sales, the animal ordinance and the brush and bulk pickup. She stated she has lived in Laguna Vista for 22 years, and it is becoming a metropolis or a communists city. What broke the camel's back, for her, was the ordinance regulating garage sales. What's wrong with people having a garage sales to get rid of old junk and make a few dollars. Who is going to police and regulate this project once the rules and regulations are in place. Who is going to keep track of how many times a particular address has had a garage sales this year. She had the same questions about the animal regulation ordinance. Who will go check that the dogs and cats in people's houses have been fed every day. Who will police this? On the brush and bulk issue, she stated that it is more mandated than it needs to be. The police is mandating not only what day to put the brush out, but down to the hour. This is ridiculous. You are creating boards to oversee boards to oversee boards. You are turning Laguna Vista into a police city.

Mike Thomas addressed the Council concerning graffiti. He asked if there is an ordinance against graffiti. There is an apartment complex on the highway that has had graffiti on its wall for three months. We should have an ordinance in place, that states once there is graffiti, the property owner needs to clean it up within a timeframe.

Nancy Ostos addressed the Council concerning the animal control ordinance and hopes that it is approved for the protection of the citizens. She expressed thanks for the approval of the park projects.

Richard Lane addressed the Council with regard to an article in the Port Isabel Press about the park projects. He stated that the park projects do not include any equipment for adults, all the

equipment is for children. The adults are not being considered. He has mentioned this before at park meetings and previous council meetings. He also stated that Councilman Schnier is quoted in the newspaper stating that he will make sure that there is accountability on how the 1.5 million of the certificates of obligation is spent, and the follow-up of the DOJ charter approval. If this is true he bows to Councilman Schnier.

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 minutes from the December 13, 2011 Regular Council Meeting.
 - b) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Hotel Occupancy Tax (HOT) Account for \$8,742.70 .
 - c) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Library Money Market Account for \$266.62.

Council Member Schnier requested that Consent Agenda Item 5(a) minutes for the December 13, 2011 meeting be pulled for separate discussion.

Council Member Schnier made a motion to approve the consent agenda items as follows; (b) approval of the current obligations from the Hotel Occupancy Tax (HOT) Account for \$8,742.70, (c) approval of the current obligations from the Library Money Market Account for \$266.62, Council Member Garcia seconded the motion. All voted “aye” to approve, motion carried.

Council Member Schnier stated that the motion for item 7c, the agreement for the architecture services with GMS from the minutes for the December 13, 2011, had a condition that the Town Attorney provide a written opinion indicating approval; and wanted to know if the opinion was received from the attorney. Attorney Vela stated that he did review, approve the agreement and will provide something in writing to the city manager.

Council Member Schnier made a motion to approve the consent agenda item 5(a) approval of the minutes from the December 13, 2011 regular Council meeting, Council Member Garcia seconded the motion. All voted “aye” to approve, motion carried.

6. **NEW BUSINESS:** Discussion, consideration and possible action on each of the following items:
 - A. **HOME RULE CHARTER STATUS** – Discussion, consideration and possible action concerning the current status of Laguna Vista’s Home Rule Charter submission to the Department of Justice (DOJ), including: a citizens’ update on all open issues; a comprehensive explanation – from the Mayor, City Manager and/or City Attorney – regarding any concerns identified by the DOJ; a list of anticipated next steps by the Town;

and the projected timetable for receiving final Charter approval (or lack thereof) from the DOJ. (City Manager/Town Attorney)

Rolando Vela stated that he spoke with Autumn Payne from the Department of Justice (DOJ) and they will be contacting people concerning the charter. We should receive a response from DOJ within 60 days.

Ramon Vela stated that the ethnicity information was not available from Cameron County Elections. The Secretary of State should have this information, but because of the litigation that it's in, the information is not available from them either.

Council Member Schnier stated if he anticipated any hold up from the DOJ for lack of the data not submitted. Ramon Vela stated it would not hold the process up, the DOJ is concentrating more on the mayor voting and the increase of council members.

Council Member Schnier asked what people the DOJ was going to contact. Ramon Vela stated that the DOJ was provided a list of names, addresses and phone numbers of the charter committee members and also people that spoke during open forum.

- B. **RESOLUTION NUMBER 2012-01** – To approve Resolution Number 2012-01 to establish a formal process for the Town Council to consider requests for excused absences. (City Manager)

Council Member Schnier made a motion to approve Resolution Number 2012-01, with the addition of a third Whereas, meeting refers to the regular 12 meetings during the calendar year, Council Member Garcia seconded the motion. Record vote was as follows:

Mayor Houston – No

Council Member Muschenheim – No

Council Member Garcia – Yes

Council Member Keplinger – Abstained

Council Member Carter – No

Council Member Schnier – Yes

Council Member Villas – No

Motion failed.

Council Member Muschenheim made a motion to reconsider the previous motion by Council Member Schnier and Garcia, concerning Resolution Number 2012-01 to establish a formal process for the Town Council to consider requests for excused absences, Council Member Carter seconded the motion. Record vote was as follows:

Mayor Houston – No

Council Member Muschenheim – Yes

Council Member Garcia – Yes

Council Member Keplinger – Yes

Council Member Carter – Yes

Council Member Schnier – Yes

Council Member Villas – No

Motion carried.

Council Member Carter made a motion to approve Resolution Number 2012-01 to establish a formal process for the Town Council to consider requests for excused absences; with the addition of a third “Whereas, meetings as referred to in Section 2.06(b)(4) of the Laguna Vista Home Rule Charter refers only to the twelve (12) regular meetings of the Council scheduled during a calendar year, Council Member Schnier seconded the motion. Record vote was as follows:

Mayor Houston – Yes

Council Member Muschenheim – Yes

Council Member Carter – Yes

Council Member Villas – No

Council Member Keplinger – Yes

Council Member Garcia – Yes

Council Member Schnier – Yes

Motion carried.

- C. **ORDINANCE NUMBER 2011-49** – Second Reading – To adopt Ordinance Number 2011-49, to repeal Ordinance Number 01-66; establishing comprehensive rules and regulations relating to the control of animals. (City Manager)
Council Member Schnier made a motion to adopt the second reading of Ordinance Number 2011-49 to repeal Ordinance Number 01-66; establishing comprehensive rules and regulations relating to the control of animals, Council Member Villas seconded the motion. All voted “aye” to approve, motion carried.
- D. **ORDINANCE NUMBER 2011-45** – Second Reading – To adopt Ordinance Number 2011-45 providing for the regulation of garage sales within the Town of Laguna Vista. (City Manager)
No Motion made – motion dies for lack of motion.
- E. **ORDINANCE NUMBER 2011-46** – First Reading - To adopt Ordinance Number 2011-46 Establishing a Code of Ethics; establishing a Board of Ethics as per Section 11.01(b) of the Home Rule Charter; establishing the jurisdiction of Powers of the Board of Ethics, establishing procedures for filing complaints and the disposition of complaints. (City Manager)
Council Member Villas made a motion to adopt the first reading of Ordinance Number 2011-46, establishing the Code of Ethics; establishing a Board of Ethics as per Section 11.01(b) of the Home Rule Charter; establishing the jurisdiction of Powers of the Board of Ethics, establishing procedures for filing complaints and the dispositions of complaints, Council Member Muschenheim seconded the motion.
Council Member Villas withdrew his motion.
Council Member Schnier made a motion to schedule a workshop session to discuss Ordinance 2011-46, establishing the Board of Ethics, before the next February regular meeting, Mayor Houston seconded the motion. All voted “aye” to approve, motion carried.
- F. **ORDINANCE NUMBER 2011-48** – First Reading - To adopt Ordinance Number 2011-48 for the proposed zoning map and permitted uses. (City Manager)

Council Member Villas made a motion to table the first reading of Ordinance Number 2011-48, first reading for the next regular meeting, when the Planning & Zoning Commission chairman is available, Council Member Muschenheim seconded the motion. All voted “aye” to approve, motion carried.

- G. BROWNSVILLE ETJ AGREEMENT** – Discussion on the ETJ agreement between the Town of Laguna Vista and the City of Brownsville. (City Manager)
Mayor reported to the Council that she and the city manager have been working on scheduling a meeting with the City of Brownsville since September 2011.

Council Member Muschenheim stated that he has a meeting scheduled with the City of Brownsville Mayor Martinez tomorrow and will ask him about this matter.

No action was taken on this item.

- H. RESCHEDULING FEBRUARY 14, 2012 MEETING** – To reschedule the February 14, 2012.

Mayor Houston made a motion to reschedule the February 14, 2012 regular meeting for Tuesday, February 21, 2012, Council Member Villas seconded the motion. All voted “aye” to approve, motion carried.

I. CITY MANAGER’S REPORT

i. Status of Park Improvements

Rolando Vela informed the Council that all the park projects are moving along. The bids process for the park improvements are out. The walking trail contract is ready to be signed and project ready to start. The architects are working on the city hall building facade.

ii. Traffic Control Improvements

Rolando Vela stated that he and Chief McGinnis are working on an ordinance and will have a meeting on Thursday with a consultant for traffic control

8. ADJOURNMENT

Council Member Muschenheim made a motion to adjourn meeting at 8:02 pm, Council Member Carter seconded the motion. All voted “aye” to approve, motion carried.

Susie Houston, Mayor

Attest:

Alma Deckard, City Secretary