

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

MINUTES OF A REGULAR MEETING OF THE LAGUNA VISTA TOWN COUNCIL

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

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

Rolando Vela, City Manager
Rick Morado, Town Attorney
Robert McGinnis, Police Chief
Alma Deckard, City Secretary

MEMBERS ABSENT: Rita Garcia, Council Member
Michael Carter, Council Member

ALSO PRESENT: Arden Curts, Citizen
Nancy Franz, Citizen
Jim Van Belle, Citizen
Richard Hinojosa, Citizen
Richard Lane, Citizen
Chuck Cantrell, Citizen
Karen Cantrell, Citizen
Mike Thomas, Citizen
Duane Rasmussen, Citizen
Gary Hauschmidt, Citizen
Bud Sherman, Citizen
Donna Sherman, Citizen
Betty Bell, Citizen
Clyde Machen, Citizen
Bob Matoush, Citizen
Hermana B. Lazarus, Citizen
Roberto Rodriguez, Citizen
John Karcanes, Citizen
Stan Backues, Citizen
Steve Goldstein, Citizen

Kay Goldstein, Citizen
Herb Houston, Citizen
Martha McClain, Citizen
Yolanda Birdwell, Citizen
Ed Hare, 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 Council Member Villas.

3. Roll Call – Council Members Garcia and Carter were absent.

Council Member Villas made a motion to excuse Council Member Garcia, who is out of town and Council Member Carter, who had a death in the family, from the meeting on April 10, 2012, Council Member Muschenheim seconded the motion. All voted “aye” to approve, motion carried.

4. OPEN FORUM:

Jim Van Belle addressed the Council concerning the municipal judge appointment. He reviewed the chronological order of the situation with the judge appointment. He stated that the citizens expect the Council to follow the charter, become informed and make thorough decisions. This issue will not go away.

Robert Matoush addressed the Council concerning the Council following the charter. He stated that if the Council is not sure about something in the charter, they should go to the source, the charter committee. The Local Government Code states that the Council must follow the charter. If anybody tells you that you don't have to follow the charter, they are wrong.

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 March 27, 2012 Special Council Meeting.

- b) **MINUTES** – Consideration and action to approve the minutes from the March 31, 2012 Workshop Meeting.
- c) **MINUTES** – Consideration and action to approve the minutes from the March 31, 2012 Special Meeting.
- d) **C.D.C. FUNDING** – Consideration and action to approve the recommendation from the Laguna Vista Community Development Corporation (CDC) to fund the practice baseball fields for \$25,000.
- e) **CURRENT OBLIGATIONS** – Consideration and action to approve the recommendation from the Library Money Market Account for \$973.35.

Council Member Schnier requested to pull the Consent Agenda Item 5c – minutes for the March 31, 2012 Special Meeting.

Council Member Schnier made a motion to approve the consent agenda items as follow; (a) approval of the minutes for the meeting from the March 27, 2012, (b) approval of the minutes for the meeting from the March 31, 2012, (d) approval of the CDC funding for the practice baseball fields for \$25,000, and (e) approval of the current obligations from the Library Money Market Account for \$973.35, Council Member Keplinger second the motion. All voted “aye” to approve, motion carried.

Council Member Schnier made a motion to approve consent agenda item 5(c) approval of the minutes from the March 31, 2012 meeting, with the corrections to 5A – Town Attorney, 3rd paragraph, should be Rio Hondo ISD, and insert the paragraph that “Mayor Houston instructed the city manager to verify the credentials, complete a background check, check references, and check for grievances or reprimands from the Texas State Bar,” Council Member Muschenheim second the motion. Council Member Villas and Keplinger abstained from voting. All others 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 Town Attorney – regarding any concerns indentified 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 and Town Attorney)

Ricardo Morado stated that there has been no correspondence since the last submittal of documents to the DOJ. There is no indication of time to respond from the DOJ.

- B. **ROLOFF PARK IMPROVEMENTS** – Consideration and action to award the contract to H2O Construction in the amount of \$1,026,262.19 for the Roloff Park Improvements. (City Manager)

Council Member Muschenheim made a motion to award the Roloff Park Improvements Contract to H2O Construction in the amount of \$1,026,262.19, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.

- C. **ROLOFF PARK IMPROVEMENTS CHANGE ORDER NO. 01** – Consideration and action to approve a change order in the amount of \$45,400.00 thereby reducing the contract amount from \$1,026,262.19 to \$980,862.19 for the Roloff Park Improvements. (City Manager)

Council Member Muschenheim made a motion to approve Change Order No. 01 reducing the total Roloff Park Improvement projects by \$45,400 to \$980,862.19, Council Member Villas seconded the motion. All voted “aye” to approve, motion carried.

- D. **MUNICIPAL JUDGE** – Discussion, consideration and possible action concerning the potential conflict between the Town’s Municipal Judge also serving concurrently as a member of the Town’s Planning & Zoning Commission; and further, to clarify if the Town’s Municipal Judge is presently serving in any type of Law Enforcement position and if so, to determine if this represents a conflict that may require council action. (Council Members Schnier and Garcia)

Mayor Houston made a motion to direct Attorney Morado to give a complete opinion on the municipal judge serving on the Planning and Zoning Commission and holding a law enforcement reserve position and further to provide how the Town Council should proceed to remedy this situation, Council Member Schnier seconded the motion. All voted “aye” to approve, motion carried.

- E. **CERTIFICATES OF OBLIGATIONS** – Update on the 2011 Certificates of Obligation projects and their current status. (City Manager)

Rolando Vela stated that there is no new activity from last month. The payment of the serves will be reversed to the General Fund. Currently the fund balance is \$1,255,624.

Council Member Schnier stated that he is still recommending that the fire truck payment should be reimbursed to the Certificates of Obligation account and paid from the reserve account.

No action was taken.

- F. **JOINT WORKSHOP** – Discussion and consideration to schedule a joint workshop with the Planning and Zoning Commission to discuss the proposed zoning changes. (City Manager)

Mayor Houston made a motion to table scheduling the joint workshop with the Planning and Zoning Commission until the May 17, 2012 meeting, Council Member Villas seconded the motion. All voted “aye” to approve, motion carried.

G. **WORKSHOP** – Discussion and consideration to schedule a workshop to discuss street improvements. (City Manager)

Council Member Villas made a motion to table scheduling the workshop to discuss street improvements until the May 17, 2012 meeting, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.

H. **ORDINANCE NUMBER 2011-47** – Second Reading – to approve Ordinance Number 2012-47 to establish a Board of Adjustment as per Section 9.04 of the Home Rule Charter. (City Manager)

Council Member Schnier made a motion to table the second reading of Ordinance Number 2011-47 to establish the Board of Adjustments and direct the Attorney Morado to analyze the requirements and provide a revised ordinance with three (3) alternates listed, Council Member Villas seconded the motion. All voted “aye” to approve, motion carried.

I. **RESOLUTION NUMBER 2012-03** – Consideration and action to approve Resolution Number 2012-03 adopting the Lower Rio Grande Valley Regional Interoperability Communication Plan/Standard Operating Procedures (SOP). (Chief McGinnis)

Council Member Villas made a motion to approve Resolution Number 2012-03 adopting the Lower Rio Grande Valley Regional Interoperability Communication Plan/Standard Operating Procedures (SOP), Mayor Houston seconded the motion. All voted “aye” to approve, motion carried.

J. **RESOLUTION NUMBER 2012-04** – Consideration and action to approve Resolution Number 2012-04 promoting April 2012 as Fair Housing Month in Laguna Vista. (City Manager)

Council Member Schnier made a motion to approve Resolution Number 2012-04 promoting April 2012 as Fair Housing Month in Laguna Vista, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.

K. **RESOLUTION NUMBER 2012-05** – Consideration and action to approve Resolution Number 2012-05, establishing the procedure for consideration of excused absences, establishing the criteria for granting of excused absences, repealing Resolution 2012-01 and all other resolutions in conflict therewith. (Town Attorney)

Council Member Schnier made a motion to allow the opinion from April 3, 2012 submitted by Attorney Morado to become public information . . .

motion died for lack of a second.

Mayor Houston made a motion to approve Resolution Number 2012-05 establishing the procedure for consideration of excused absences, establishing the criteria for granting of excused absences, repealing Resolution Number 2012-01 and all other resolutions in conflict therewith; and the additional corrections, to add “personal and/or” to item 4(b), and add an agenda item at the next meeting to record excused absences from January to March 2012, Council Member Villas seconded the motion. Council Member Schnier opposed motion. All others voted “aye” to approve, motion carried.

L. **RESOLUTION NUMBER 2012-06** – Consideration and action to approve Resolution Number 2012-06 recognizing April 2012 as National Autism Awareness Month. (Mayor Houston)

Council Member Schnier made a motion to approve Resolution Number 2012-06 recognizing April 2012 as National Autism Awareness Month, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.

M. **CITY MANAGER’S REPORT**

a) Earth Day

Rolando Vela stated that Earth Day will be celebrated on Saturday, April 21, 2012 from 10 am to 1 pm. There will be several activities available for the event.

b) Ground Breaking Ceremonies

Rolando Vela stated that he will be working on dates for the ground breaking ceremony for the park improvements. He will notify the board of the upcoming dates.

8. **ADJOURNMENT**

Council Member Keplinger made a motion to adjourn meeting at 7:40 pm, Council Member Muschenheim seconded the motion. Council Member Schnier opposed motion. All voted “aye” to approve, motion carried.

Susie Houston, Mayor

Attest:

Alma Deckard, City Secretary