

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

MINUTES OF A SPECIAL MEETING OF THE LAGUNA VISTA TOWN COUNCIL

DATE: March 27, 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
Rick Morado, Interim Town Attorney
Robert McGinnis, Police Chief
Alma Deckard, City Secretary

MEMBERS ABSENT: None

ALSO PRESENT: Gloria Curts, Citizen
Arden Curts, Citizen
Jim VanBelle, Citizen
Sherry VanBelle, Citizen
Robert Matoush, Citizen
Rick Ridolfi, Citizen
Richard Hinojosa, Citizen
John Zeigler, Citizen
Betty Bell, Citizen
Clyde Machen, Citizen
Brian Hearnsherge (sp), Citizen
Richard Lane, Citizen
Mike Thomas, Citizen
Bud Sherman, Citizen
Donna Sherman, Citizen
Stan Backues, Citizen
Yolanda Birdwell, Citizen
Herb Houston, Citizen
Ian Monroe, 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 Garcia.

3. Roll Call/Excused Absences – all present

4. **OPEN FORUM:**

Jim VanBelle addressed the Council concerning the letter to the editor that Mayor Houston wrote. He mentioned portions of the letter that were incorrect, stating that the municipal court judge applicants were not reviewed or interviewed by the Council. Council Member Garcia stated at the November 2011 meeting that the judge applicants were not reviewed or discussed during executive session, only the process of selection was mentioned.

Arden Curts addressed the Council concerning the charter and the appointment of the municipal judge. The Council has intentionally disregarded the charter. The Resolution 2012-01 was already approved at the January 2012 meeting, why is it on the agenda tonight again? The Board of Ethics has been put on the back burning again, the Council just needs to get it done.

Rick Ridolfi addressed the Council stating that he is amazed that the audience continues to badger the Council. He stated that it was sad that Bill Schnier was not running for office this year. He suggested that the Council consider the Blue Star Program for Veterans Park.

Robert Matoush addressed the Council with regard to Resolution 2012-01, stating that it was already approved at the January 2012 meeting, with a vote of 6 to 1, and should not be on the agenda for amendment. The charter is very clear about the reference to meetings.

Mike Thomas addressed the Council concerning the Board of Ethics appointment. He stated that the Council appointing the Board of Ethics members would be like asking the fox to watch the chicken house. He suggested that all the names be placed in a hat and appointed by a drawing.

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 February 21, 2012 Special Council Meeting.
- b) **MINUTES** – Consideration and action to approve minutes from the February 27, 2012 Special Council Meeting.

- c) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Hotel Occupancy Tax (HOT) Account for \$450.
- d) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Laguna Vista Community Development Corporation Account for \$5,000.
- e) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Certificates of Obligation Account for \$11,676.72.

Council Member Schnier requested that item 5(a) Minutes from the February 21, 2012 Special Council meeting be pulled from the consent agenda items, for separate discussion.

Council Member Schnier made a motion to approve the consent agenda items as follows: (b) approval of the minutes from the Special Council Meeting on February 27, 2012, (c) approval of the current obligations from the Hotel Occupancy Tax (HOT) Account for \$450, (d) approval of the current obligations from the Laguna Vista Community Development Corporation Account for \$5,000, (e) approval of the current obligations from the Certificates of Obligation Account for \$11,676.72, Council Member Garcia seconded the motion. All voted “aye” to approve, motion carried.

Council Member Schnier asked if Mayor Houston voted “no” on agenda item 7E from the minutes of the meeting on February 21, 2012. Mayor stated that it was correct, she did vote “no” on the motion.

Council Member Schnier made a motion to approve the Consent Agenda Item (a) approval for the minutes from the Special Meeting on February 21, 2012, Council Member Villas 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. **TOWN ATTORNEY** – Consideration and action to hire a Town Attorney for the Town of Laguna Vista from the RFPs received. (City Manager)

Council Member Schnier made a motion to adhere to the following process for the two candidates that submitted RFPs for the position of Town Attorney, as follows: review the resumes, interview in a public meeting, verify credentials, check the references, run a background check, and check for any grievances or reprimands from the Texas State Bar; and schedule a special meeting on March 31, 2012 at 11 am to interview the two applicants, Mayor Houston seconded the motion. All voted “aye” to approve, motion carried.

- B. **DIGITAL SERVICES** – Presentation by Gary Wages with Time Warner Cable on the proposed digital services for the Town of Laguna Vista. (City Secretary)

Council Member Villas made a motion to table item 6B – Digital Services, until the April 10, 2012 meeting, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.

C. **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 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 and Town Attorney)

Attorney Morado updated the Council concerning the Home Rule Charter status. He explained that a response letter was mailed to the DOJ on March 8, 2012. He spoke to Autumn Payne prior to mailing the letter and reviewed the contents. The DOJ now has the letter and we await their reply.

D. **ROLOFF PARK IMPROVEMENTS** – Consideration and action to award the contract for the Roloff Park Improvements. (City Manager)

Council member Villas made a motion to schedule a workshop meeting, with the Parks & Recreation Board, for Saturday, March 31, 2012 at 9 am, to review the bids submitted, Council Member Garcia seconded the motion. All voted “aye” to approve, motion carried.

E. **TXCDBG PROJECT NUMBER 710389** – Consideration and action to award the contract to Jimmy Closner & Sons Construction Company for Street and Drainage Improvements. (City Manager)

Council Member Villas made a motion to award the contract to Jimmy Closner & Sons Construction Company for Street and Drainage Improvements, for the Texas CDBG Project Number 710389, for \$263,542, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.

F. **SPORTS COMPLEX PARK IMPROVEMENTS** – Consideration and action to award a contract to build practice baseball fields at the vacant area adjacent to Tanglewood Apartments. (City Manager)

Mayor Houston made a motion to schedule a workshop on Saturday, March 31, 2012 at 9 am to review the bids submitted for the Sports Complex Park Improvements, Council Member Villas seconded the motion . . . no action was taken, Mayor withdrew her motion.

Mayor Houston made a motion to award the contract to build the practice baseball fields at the vacant area adjacent to Tanglewood Apartments, to Southern Landscapes for a total of \$30,200, Council Member Schnier seconded the motion. All voted “aye” to approve, motion carried.

G. **COUNCIL MEETING** - MAY 8, 2012 – Consideration and action to reschedule the May 8, 2012 Town Council Meeting. (Mayor Houston)

Mayor Houston made a motion to schedule a special meeting on Thursday, May 17, 2012 at 6 pm, in place of the regular meeting scheduled for May 8, 2012, Council Member Garcia seconded the motion. All voted “aye” to approve, motion carried.

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

No action was taken on item 6H – Certificates of Obligation – update on projects and their current status.

I. **CAPITAL PROJECTS** – Consideration and action on funding on capital and non-capital projects with the Town’s reserve funds. (City Manager)

No action was taken on item 6I – Capital Projects – funding on capital and non-capital projects with the Town’s reserve funds.

J. **RESOLUTION NUMBER 2012-01** – Consideration and action to amend Resolution Number 2012-01, approved at the January 10, 2012 Council Meeting, in particular the 3rd “Whereas” concerning defining what constitutes a “meeting,” or amending any other portion of the resolution. (Mayor Houston and Council Member Villas)

Mayor Houston made a motion to instruct the Town Attorney to work on Resolution Number 2012-01 and make amendments as to what constitute a “meeting” and research the Open Meetings Act, to include modifications on the procedures for excused absences . . . no second was made to the motion.

Council Member Schnier made a motion to instruct the Town Attorney to analyze the Home Rule Charter (Section 2.06), apply the Rules for Statutory Construction and legislative intent if there is any ambiguity, prepare a legal opinion on the same, and if required, prepared an amended Resolution 2012-01 that clearly defines what constitutes a “meeting” for purposes of attendance, including the procedures to follow for the council to approve an excused absence, Council Member Garcia seconded the motion. All voted “aye” to approve, motion carried.

K. **WORKSHOP** – Discussion and consideration to schedule a workshop to review and discuss the proposed Board of Ethics Ordinance. (City Manager)

Council Member Schnier made a motion to schedule a workshop for Thursday, April 19, 2012 at 6 pm to review, and revise the proposed Board of Ethics Ordinance, and possibly take action at the same meeting for any amendments to the ordinance, Council Member Muschenheim seconded the motion. All voted “aye” to approve, motion carried.

L. **CITY MANAGER’S REPORT**

i. **Easter Egg Hunt**

Rolando Vela stated that the Easter Egg Hunt is scheduled for Saturday, April 7, 2012 from 11 am to 1 pm.

ii. **Street Improvements**

Rolando Vela informed the Council that he has been working with the engineer to come up with a cost estimate for street improvements.

iii. **Grants Update**

Rolando Vela updated the Council with the status of the pending grants. The FEMA generator and library shutters grant has been reimbursed. The Mesquite Drive Study reimbursement is in process. The Texas Parks & Wildlife reimbursement will be submitted soon, when the invoices come in. The Tx CDBG grant will be reimbursing the Town \$36,000 for grant administration

that has been done in-house. He stated that a grant application for Solid Waste was submitted, but it was awarded to the larger cities, like McAllen and Brownsville.

7. ADJOURNMENT

Mayor Houston made a motion to adjourn meeting at 8:08 pm, Council Member Muschenheim seconded the motion. All voted “aye” to approve, motion carried.

Susie Houston, Mayor

Attest:

Alma Deckard, City Secretary