

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

MINUTES OF A REGULAR MEETING OF THE LAGUNA VISTA TOWN COUNCIL

DATE: September 11, 2012

TIME: 6:00 p.m.

PLACE: City Hall Building

MEMBERS PRESENT: Susie Houston, Mayor
Michael Carter, Mayor Pro-Tem
Steve Muschenheim, Councilmember Place 2
Paul Villas, Councilmember Place 3
Leti Keplinger, Councilmember Place 4
Rita Garcia, Councilmember Place 5
Richard Hinojosa, Councilmember Place 6

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

MEMBERS ABSENT: All present

ALSO PRESENT: Betty Bell, Citizen
Bruce Arnold, Citizen
Bill Beaty, Citizen
Sonia Beaty, Citizen
Richard Lane, Citizen
Bob Matoush, Citizen
Bruce Arnold, Citizen
Madeleine Sandefur, Citizen
Walter Birdwell, Citizen
Yolanda Birdwell, Citizen
Bud Sherman, Citizen
Duane Rasmussen, Citizen
Roman Dougherty, Citizen
Marty Cirillo, Citizen
Larry De Franle, Citizen
Herb Houston, Citizen
Roberto Rodriguez, 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 Mayor Houston.

3. Roll Call – All present.

4. OPEN FORUM:

Bruce Arnold addressed the Council, in support of Ordinance 2012-28 regarding the parking on Doral and Pinehurst Drive.

Betty Bell addressed the Council concerning the attorney's legal opinion with the regard to the appointment of the municipal judge according to the charter. She stated that the Mayor is will to accept the opinion of the former attorney only because it benefits her. Where is the integrity of the board? The charter was approved by the voters and should be followed, if not, go back to the old way before the charter was in place. What happened to the oath of office that you took. She stated that she admired Council Members Garcia, Hinojosa and Carter for voting to dismiss the judge.

Bill Beaty addressed the Council with regard to the traffic study done on Lakewood Drive. He stated that he saw the numbers, but did not agree with them. There are so many people that walk and bike everyday on Lakewood, that 68% compliance is just not good enough.

Madeleine Sandefur addressed the Council asking that they approve the second reading of the plastic bag banning. She stated that her and the Environmental Committee have taken on the project to clean up the Stripes area.

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 14, 2012 Special Council Meeting.
- b) **MINUTES** – Consideration and action to approve the minutes from the August 14, 2012 Regular Council Meeting.
- c) **MINUTES** - Consideration and action to approve the minutes from the August 28, 2012 Special Council Meeting.
- d) **MINUTES** - Consideration and action to approve the minutes from the September 4, 2012 Special Council Meeting.

- e) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Community Development Corporation Account for \$29,075.
- f) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Texas Community Development Program Project 710389 for \$110,426.40.
- g) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Certificates of Obligation for \$168,890.44
- h) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Library Money Market Account for \$88.68
- i) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Interest and Sinking Fund for \$109,752.91.
- j) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Money Market Investment Account (Reserves) for \$81,443.80.
- k) **RESOLUTION NUMBER 2012-29** – Consideration and potential action to approve Resolution Number 2012-29 to rescind Resolution Number 2011-29 that established the one mile ETJ of the Town of Laguna Vista.

Council Member Villas made a motion to approve the consent agenda items as follows; (a) approval of the minutes from the August 14, 2012 Special Council Meeting, (b) approval of the minutes from the August 14, 2012 Regular Council Meeting, (c) approval of the minutes from the August 28, 2012 Special Council Meeting, (d) approval of the minutes from the September 4, 2012 Special Council Meeting, (e) approval of the current obligations from the Community Development Corporation account for \$29,075, (f) approval of the current obligations from the Certificates of Obligation account for \$168,890.44, (g) approval of the current obligations from the Library Money Market account for \$88.68, (h) approval of the current obligations from the Interest and Sinking account for \$109,752.91, (j) approval of the current obligations from the Money Market Investment account for \$81,443.80, approval of Resolution Number 2012-29 to rescind Resolution Number 2011-29 that established the one mile ETJ of the Town of Laguna Vista, Council Member Muschenheim seconded the motion. Council Member Garcia opposed item (c) minutes for the August 28, 2012 Special Council Meeting and (d) minutes for the September 4, 2012 Special Council Meeting. All voted “aye” to approve, motion carried.

- 6. **NEW BUSINESS:** Discussion, consideration and possible action on each of the following items:
 - A. **RESOLUTION NUMBER 2012-30** – Consideration and potential action to approve Resolution Number 2012-30 to support efforts of the Coastal Windstorm Task Force to respond to the Texas Department of Insurance to implement TWIA funding rules detrimental to the 14 coastal counties in the State. (City Manager)

Council Member Villas made a motion to approve Resolution Number 2012-30 to support efforts of the Coastal Windstorm Task Force to respond to the Texas Department of Insurance to implement TWIA funding rules detrimental to the 14 coastal counties in the State, Mayor Houston seconded the motion. All voted “aye” to approve, motion carried.

B. **RESOLUTION NUMBER 2012-31** – Consideration and potential action to approve Resolution Number 2012-31 urging the Cameron County Emergency Services District to establish a new zone that would allow the Laguna Vista Volunteer Fire Department to serve areas outside the Town limits. (Police Chief)

Council Member Garcia made a motion to approve Resolution Number 2012-31 urging the Cameron County Emergency Services District to establish a new zone that would allow the Laguna Vista Volunteer Fire Department to serve areas outside the Town limits, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.

C. **ORDINANCE NUMBER 2012-23** – Second Reading – Consideration and potential action to adopt the second reading of Ordinance Number 2012-23 banning the use of plastic carry-out bags within the corporate limits of the Town of Laguna Vista. (City Manager)

Council Member Garcia made a motion to approve the second reading of Ordinance Number 2012-23 banning the use of plastic carry-out bags within the corporate limits of the Town of Laguna Vista, Council Member Carter seconded the motion. All voted “aye” to approve, motion carried.

D. **ORDINANCE NUMBER 2012-24** – Second Reading – Consideration and potential action to adopt the second reading of Ordinance Number 2012-24 amending the 2011-12 fiscal year budget. (City Manager)

Council Member Villas made a motion to approve the second reading of Ordinance Number 2012-24 amending the 2011-12 fiscal year budget, Council Member Muschenheim seconded the motion. All voted “aye” to approve, motion carried.

E. **ORDINANCE NUMBER 2012-25** – Second Reading – Consideration and potential action to adopt the second reading of Ordinance Number 2012-25 setting the 2012-13 fiscal year budget. (City Manager)

Council Member Carter made a motion to approve the second reading of Ordinance Number 2012-25 setting the 2012-13 fiscal year budget, Council Member Muschenheim seconded the motion. All voted “aye” to approve, motion carried.

F. **ORDINANCE NUMBER 2012-26** – Second Reading – Consideration and potential action to adopt the second reading of Ordinance Number 2012-26 adopting the Town of Laguna Vista 2012 ad valorem property tax rate. (City Manager)

Council Member Villas made a motion to approve the second reading of Ordinance Number 2012-26 adopting the Town of Laguna Vista 2012 ad valorem property tax rate, Council Member Keplinger seconded the motion. All voted “aye” to approve, motion carried.

G. **ORDINANCE NUMBER 2012-27** – Second Reading – Consideration and potential action to adopt the second reading of Ordinance Number 2012-27 rescinding the early

payment discounts as set forth in Section 31.05 of the Texas Property Tax Code, providing for the effective date, and related matters. (City Manager)

Council Member Garcia made a motion to approve the second reading of Ordinance Number 2012-27 rescinding the early payment discounts as set forth in Section 31.05 of the Texas Property Tax Code, providing for the effective date, and related matters, Council Member Keplinger seconded the motion. Council Member Hinojosa opposed motion. All voted “aye” to approve, motion carried.

H. **ORDINANCE NUMBER 2012-28** – First Reading – Consideration and potential action to adopt the first reading of Ordinance Number 2012-28 regulating the parking or storage of cars, trucks, tractors, trailers, boats, boat trailers or other vehicles on the street right-of-way of Doral and Pinehurst Drive, providing for severability, penalties, and effective date. (Police Chief)

Mayor Houston made a motion to approve the first reading of Ordinance Number 2012-28 regulating the parking or storage of vehicles on the street right-of-way of Doral and Pinehurst Drive, Council Member Villas seconded the motion. All voted “aye” to approve, motion carried.

I. **STREET IMPROVEMENT WORKSHOP** – Consideration and action to schedule a workshop to discuss street improvements. (City Manager)

Mayor Houston made a motion to set the street improvement workshop meeting for Tuesday, October 2, 2012 at 5:30 pm, Council Member Villas seconded the motion. All voted “aye” to approve, motion carried.

J. **TML IEBP BOARD ELECTION** – Consideration and potential action to cast a vote for the Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees – Region 12 term. (City Manager)

Council Member Hinojosa made a motion to cast a vote for Jorge Arcuate for the Texas Municipal League Intergovernmental Employee Benefits Pool Board of Trustees, Region 12 term, Council Member Garcia seconded the motion. All voted “aye” to approve, motion carried.

K. **MUNICIPAL JUDGE** – Discussion and potential action to adhere to Section 4.05(e) of the Home Rule Charter and terminate the agreement of the Municipal Judge. (Council Members Hinojosa and Garcia)

Council Member Garcia made a motion to adhere to Section 4.05(e) of the Home Rule Charter and terminate the agreement of the Municipal Judge, Council Member Hinojosa seconded the motion. Record vote was as follows:

Mayor Houston – No

Council Member Carter – Yes

Council Member Muschenheim – No

Council Member Villas – No

Council Member Keplinger – No

Council Member Garcia – Yes

Council Member Hinojosa – Yes

Motion failed.

L. **CITY MANAGER’S REPORT**

a) Park Improvements Update

Rolando Vela stated that the brick pavers are still for sale and will be unveiled at the November 11, 2012 Veterans Day Ceremony.

b) Phase I – Mesquite Drive drainage study

Rolando Vela explained to the Council that the Mesquite Drive Study is complete. FEMA was requesting pictures from the flood of the properties in the 900 block of Mesquite. Mr. Vela was able to get pictures from Charlie Estes wife for 901 Mesquite, that were taken during the flooding during Hurricane Dolly. FEMA will be able to use these picture for the funding.

c) Veterans Day – November 11, 2012

Rolando Vela stated that a ceremony is planned for the November 11, 2012 Veteran Day.

8. ADJOURNMENT

Council Member Muschenheim made a motion to adjourn meeting at 7:09 pm, Council Member Garcia seconded the motion. All voted “aye” to approve, motion carried.

Susie Houston, Mayor

Attest:

Alma Deckard, City Secretary