

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

MINUTES OF A REGULAR MEETING OF THE LAGUNA VISTA TOWN COUNCIL

DATE: August 13, 2013

TIME: 6:00 p.m.

PLACE: City Hall Building

MEMBERS PRESENT: Susie Houston, Mayor
Leti Keplinger, Mayor Pro-Tem
Michael Carter, Councilmember Place 1
Steve Muschenheim, Councilmember Place 2
Paul Villas, Councilmember Place 3
Richard Hinojosa, Councilmember Place 6

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

MEMBERS ABSENT: Rita Garcia, Councilmember Place 5

ALSO PRESENT: Frank Davalos, Jr., Citizen
Richard Lane, Citizen
Donna Sherman, Citizen
Bud Sherman, Citizen
Don Gonzalez, Financial Advisor
David Mendez, GMS Architects
Martha McClain, Citizen
Yolanda Birdwell, Citizen
Walter Birdwell, Citizen
Celeste Morris, 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 Reverend Berkley from First United Methodist Church in Port Isabel.

- 3. Roll Call/Excused absences** - Council Member Garcia was absent.

Council Member Villas made a motion to excuse Council Member Garcia from tonight's meeting, due to illness, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.

- 4. OATH OF OFFICE** – Administration of Oath to the newly appointed Municipal Judge and Alternate Municipal Judge.

Mayor Houston performed the Oath of Office for William Pope, the newly appointed Municipal Judge.

- 5. OPEN FORUM:** At this time, audience is allowed 5 minutes per person to address the Council on any topic. There is no discussion or formal action taken during this agenda item. The speaker must identify before speaking. A Speaker Request Form must be presented to the City Secretary prior to the meeting.

Walter Birdwell addressed the Council with concern about utilizing resources. He stated he was happy with the park improvements and more money should be spent on parks. People requesting lots of information requests and filing lawsuits are irrelevant.

Richard Lane addressed the Council with concerns about the property behind his house. He stated that the SPI Golf Club purchased the property behind his house and built it up with several truck loads of dirt. He has contacted the SPI Golf Club, their engineer and the City Hall about this matter and has gotten no results. He wants to know what the city will do about this problem and the potential problem it could cause with heavy rains.

Celeste Morris addressed the Council in appreciation of the park improvements that gives family a place to hang out. She also thanked the Council for the improvements to Palo Blanco Drive.

6. 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 July 9, 2013 Regular Meeting.
- b) **MINUTES** – Consideration and action to approve the minutes from the August 5, 2013 Special Meeting.
- c) **MINUTES** – Consideration and action to approve the minutes from the August 5, 2013 Workshop Meeting.
- d) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Certificates of Obligation Account for \$ 36,486.50

- e) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the T.C.D.P. Project 712181 for \$27,000.00.
- f) **CURRENT OBLIGATIONS** – Consideration and action to approve the current obligations from the Hotel Occupancy Tax (HOT) Account for \$271.00.
- g) **IT CONTRACT** - Consideration and action to approve the 2013-14 IT Contract, with Net-Link, Inc., for \$12,000.00.

Council Member Carter made a motion to approve the consent agenda items as follows; (a) approval of the minutes from the July 9, 2013 Regular Council Meeting, (b) approval of the minutes from the August 5, 2013 Special Council Meeting, (c) approval of the minutes from the August 5, 2013 Workshop Council Meeting, (d) approval of the current obligations from the Certificates of Obligation Account for \$36,486.50, (e) approval of the current obligations from the TCDP Project 712181 for \$27,000.00, (f) approval of the current obligations from the Hotel Occupancy Tax (HOT) Account for \$271.00, (g) approval of the IT Contract with Net-Link, Inc, for the 2013-14 fiscal year, for \$12,000.00, Council Member Muschenheim 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. **2013 TAX RATE** - Consideration and potential action to set the 2013 tax rate and schedule public hearing, date and time. (City Manager)

Council Member Villas made a motion to set the 2013 tax rate at \$ 0.3391, with \$ 0.301023 for M&O and \$ 0.038077 for I&S, Council Member Keplinger seconded the motion. Record vote was as follows:

**Mayor Houston - Yes
Council Member Hinojosa - Yes
Council Member Garcia - absent
Council Member Keplinger - Yes
Council Member Villas - Yes
Council Member Muschenheim - Yes
Council Member Carter - Yes**

Motion carried.

- B. **TIME WARNER PRESENTATION** - Consideration and potential action on the proposal, by Gary Wages, to provide Internet, video and phone services by Time Warner Cable to the Town of Laguna Vista.

Mayor Houston made a motion to table agenda item Time Warner presentation and proposal and obtain other proposals for service for the next meeting, Council Member Hinojosa seconded the motion. All voted "aye" to approve, motion carried.

- C. **ORDINANCE NUMBER 2013-19** - Second Reading - Consideration and potential action to approve the second reading of Ordinance Number 2013-19, repealing Ordinance Number 2013-18, concerning Parks rules and regulations. (City Manager)

Council Member Hinojosa made a motion to approve the second reading of Ordinance Number 2013-19 concerning Parks rules and regulations, Council Member Villas seconded the motion. All to voted "aye" to approve, motion carried.

- D. ORDINANCE NUMBER 2013-20** - First Reading - Consideration and potential to approve the first reading of Ordinance Number 2013-20, adopting the 2013-14 fiscal year budget. (City Manager)

Council Member Villas made a motion to approve the first reading of Ordinance Number 2013-20, adopting the 2013-14 fiscal year budget, to include \$3,000 for employee one-time check of \$200 and 3 additional personal days per employee, Council Member Muschenheim seconded the motion. All voted "aye" to approve, motion carried.

- E. ORDINANCE NUMBER 2013-21** - First Reading - Consideration and potential action to approve the first reading of Ordinance Number 2013-21, adopting the 2013 ad valorem property tax rate. (City Manager)

Council Member Muschenheim made a motion to approve the first reading of Ordinance Number 2013-21, adopting the 2013 ad valorem property tax rate of \$ 0.3391 per hundred dollar value, Council Member Villas seconded the motion. All voted "aye" to approve, motion carried.

- F. YTURRIA SIGN** - Consideration and potential action to approve the request from Frank Yturria to place an 8' x 12' sign on the Town-owned 23 acres. (City Manager)

Mayor Houston made a motion to approve the request from Frank Yturria to place an 8' by 12' sign on the Town owned 23 acres, and directed Town Attorney to prepare a simple contract agreement, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.

- G. COMMUNITIES OF DISTINCTION TV PROGRAM** - Consideration and potential action on the Communities of Distinction TV Program. (City Manager)

No motion was made, no action taken.

- H. C.D.C. PRESIDENT** – To appoint the Laguna Vista Community Development Corporation President for a one year term, pursuant to Article III, Section 1 of the Laguna Vista Community Development Corporation Bylaws. (City Manager)

Mayor Houston made a motion to appoint CDC Member John Patton as president for a one year term, pursuant to Article III, Section 1 of the Laguna Vista Community Development Corporation Bylaws, Council Member Hinojosa seconded the motion. All voted "aye" to approve, motion carried.

- I. C.D.C. VICE-PRESIDENT** – To appoint the Laguna Vista Community Development Corporation Vice-President for a one year term, pursuant to Article III, Section 1 of the Laguna Vista Community Development Corporation Bylaws. (City Manager)

Mayor Houston made a motion to appoint CDC Member Ian Monroe as vice- president for a one year term, pursuant to Article III, Section 1 of the Laguna Vista Community Development Corporation Bylaws, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.

J. CDC APPOINTMENTS - Consideration and potential action to appoint two (2) residents to the Community Development Corporation (CDC) Board. (City Manager)

Mayor Houston made a motion to appoint Jeanette Weil to the fill one unexpired term until July 2014 to the Laguna Vista Community Development Corporation (CDC) Board, Council Member Carter seconded the motion, all voted "aye" to approve, motion carried.

Council Member Villas made a motion to appoint Scott Beavers to fill one unexpired term until February 2014 to the Laguna Vista Community Development Corporation (CDC) Board, Council Member Muschenheim seconded the motion. Mayor Houston opposed appointment, all others voted "aye" to approve, motion carried.

K. ETHICS BOARD APPOINTMENT - Consideration and potential action to appoint residents to the Board of Ethics. (City Manager)

Mayor Houston made a motion to appoint Walter Birdwell to the Ethics Board, Council Member Keplinger seconded the motion. All voted "aye" to approve, motion carried.

L. STREET IMPROVEMENTS - Discussion on street improvements.

There was a short discussion concerning funding for street improvements. According to Engineer Orlando Cruz it will cost \$1.5 million to resurface all the streets in town. The choice for funding is to increase the tax rate, obtain another Certificates of Obligation, or a Bond Issue which will have to go to election for the citizens to vote.

Don Gonzalez from Hinojosa & Estrada Financials explained to the Council that the amount of \$1.5 million will increase every year that the street improvements are not done. In obtaining Certificates of Obligation, the Town will probably only be able to get them for 10-15 years, not twenty.

It was the consensus of the Council that the street improvement item be placed on the next meetings' agenda.

M. 2011 CERTIFICATES OF OBLIGATION - Update on the 2011 Certificates of Obligation. (City Manager)

Architect David Mendez and Rene from H2O Construction addressed the Council concerning the park improvements. Mr. Mendez informed the Council that the park improvements are all complete. He expressed thanks for the opportunity to work on these projects. There were several change orders and rain days that cause delays of the projects.

N. CITY MANAGER'S REPORT

a) Street Improvements - Palo Blanco

Rolando Vela explained that the street improvement for Palo Blanco is now complete. The contractor also poured a concrete pad for the waste collection container.

b) Cleanup Campaign - October 2013

Rolando Vela stated that he would like to schedule a cleanup day for sometime in October. A date has not been set yet.

c) Back to School Health Fair

Rolando Vela informed the Council that staff is planning a back to school health fair. There will be activities, food and entertainment for the kids and parents. A date has not been set for this event.

O. EXECUTIVE SESSION—There may be an Executive Session pursuant to Section 551.071 of the Texas Open Meetings Act to consult with the Town Attorney to seek his legal advice on the following matters:

-Duane A. Rasmussen v. City of Laguna Vista

Council Member Villas made a motion to go into executive session at 7:28 pm, pursuant to Section 551.071 of the Texas Open Meetings Act to consult with the Town Attorney to seek his legal advice on the following matter: Duane A. Rasussen v. City of Laguna Vista, Council Member Muschenheim seconded the motion. All voted "aye" to approve, motion carried.

Council came out of executive session at 7:45 pm.

P. OPEN SESSION - Action, if any, on the items discussed in Executive Session.

Council Member Villas made a motion to authorize the Town Attorney to proceed as directed in executive session, Council Member Hinojosa seconded the motion. All voted "aye" to approve, motion carried.

8. ADJOURNMENT

Council Member Muschenheim made a motion to adjourn meeting at 7:47 pm, Council Member Villas seconded the motion. All voted "aye" to approve, motion carried.

Susie Houston, Mayor

Attest:

Alma Deckard, City Secretary