

City Council

200 North Brazil

Regular Meeting

Los Fresnos, TX 78566

<http://citylf.cloudaccess.net/en/>

~ Minutes ~

Tuesday, February 12, 2019

6:00 PM

City Hall

Agenda

1. Call meeting to order
Mayor Polo Narvaez called the meeting to order at 6:00 p.m.
2. Invocation and Pledge of Allegiance
Mr. Milum gave the invocation and led the audience in the pledge of allegiance.

Presentation

Presentation on the Los Fresnos Community Health Outreach Program.No Action

Mr. Milum introduced Christine Martinez who runs the city's Community Health Outreach Program.

Mr. Milum read a letter to the council that was received from a member that participated in the exercise program that is part of the Community Health Outreach Program.

Mrs. Martinez handed out a flyer to the council that listed the different events that are held that monthly as part of the Community Health Outreach Program. Mr. Milum explained that the events listed were all free classes offered to the community. The flyer does not include other things Mrs. Martinez is required to do. Mrs. Martinez has to enroll 265 individuals each year and help them with anything they need health wise, exercise more, eat healthy, blood pressure and BMI checks, which is all in addition to the classes we offer. Mr. Milum stated that this is the second year a diabetes class is also offered. There are 20 plus participants enrolled. The class offers screenings and teaches them how to eat healthy. Another class offered is called Happy Kitchen. This class has about 20 plus participants and has a total of six sessions. This is the second year for this class. Mr. Milum gave a brief summary of upcoming classes for the summer.

Mr. Milum wanted to share the thank you letter with the council and also take the opportunity to explain to the council all the program has to offer to the community.

Mayor Narvaez thanked Mr. Milum and Mrs Martinez for doing an excellent job.

Mrs. Martinez thanked the Mayor and stated the letter was the voice of just one person as she receives a thank you everyday from participants for such a great program.

Mr. Milum and Mrs Martinez answered questions from the board.

made a motion to approve Presentation on the Los Fresnos Community Health Outreach Program., seconded by the vote was .

Consent Agenda

Mayor Narvaez asked if there was any question on the consent agenda.

Council member Juan Munoz requested to pull 5, 6 and 8.

Consideration and ACTION to approve the minutes from January 8, 2019.Adopted

Motion was made and seconded to approve the minutes from January 8, 2019.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the minutes from January 8, 2019., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to approve Resolution 4-2019 requesting the members of the 86th legislative session of the State of Texas to support legislation that provides stewardship, health and well being, and connectivity for local and state parks.Adopted

Motion was made and seconded to approve Resolution 4-2019 requesting the members of the 86th legislative session of the State of Texas to support legislation that provides stewardship, health and well being, and connectivity for local and state parks.

Polo Narvaez made a motion to approve Consideration and ACTION to approve Resolution 4-2019 requesting the members of the 86th legislative session of the State of Texas to support legislation that provides stewardship, health and well being, and connectivity for local and state parks., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to approve Resolution 6-2019 opposing annexation and detachment of Los Fresnos Consolidated Independent School District Territory.Adopted

Motion was made and seconded to approve Resolution 6-2019 opposing annexation and detachment of Los Fresnos Consolidated Independent School District Territory.

Polo Narvaez made a motion to approve Consideration and ACTION to approve Resolution 6-2019 opposing annexation and detachment of Los Fresnos Consolidated Independent School District Territory., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to approve or the Quarterly Investment Portfolio Report ended as of December 31, 2018.Adopted

Motion was made and seconded to approve the Quarterly investment Portfolio Report ended as of December 31, 2018.

Polo Narvaez made a motion to approve Consideration and ACTION to approve or the Quarterly Investment Portfolio Report ended as of December 31, 2018., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to approve the Community Development Corporations approval to purchase Christmas Decorations.Adopted

Councilmember Juan Munoz stated it says it's going to cost \$37,000 for the lighting and on a different page it says \$48,000.

Mr. Milum explained the \$48,000 included a few other items. The CDC discussed which decorations would fit in with the new city hall and selected only a few things from the

list. Mr. Milum listed the items and explained to the council where each decoration would be placed.

Councilmember Joe Collinsworth asked what the price of tree was. Mr. Milum answered \$18,270.

Mr. Munoz asked if Mr. Milum thought it was really necessary to purchase those items.

Mr. Milum stated the CDC board thought it was and one of the biggest complaint he gets is that the city does nothing to show the community is alive and well during the Christmas Season. The CDC has taken on the challenge and it is up for interpretation on what should be done.

Mr. Munoz asked if the funds the CDC uses was money the city gives the CDC. Mr. Milum answered no. He explained by state law the CDC gets half a percent of sales tax money because the voters in Los Fresnos voted for it..

Mr. Munoz asked if the sales tax came from the city.

Mr. Milum explained to Mr. Munoz the sales tax is collected when you make a purchase in the city.

Councilmember Swain Real asked Mr. Milum if CDC had the funds to make the purchase. Mr. Milum answered yes.

Mr. Real commented the CDC's role is to promote the city and this in a sense was doing so.

Mr. Milum stated one of the comments CDC made was that with a tree that big it might have people stopping to take pictures and make an event out of it instead of driving through.

Mr. Munoz commented the city could charge a dollar per picture.

Mayor Narvaez commented that the funds were coming from the CDC and is what the funds are for, to make the city more attractive and attract more businesses.

Mr. Munoz asked if the Mayor thought it would attract more businesses to the city by putting big trees.

Mayor Narvaez answered he didn't say that was the only thing CDC does but he doesn't think the decorations would hurt and it is CDC fund and that is what it is intended for. All the Council will be doing is authorizing their decision to purchase the decorations.

Mr. Real asked if the CDC board had already approved the purchase. Mr. Milum explained this was a budget item that was approved by both the CDC and council at budget time. The CDC has in the range of \$140,000-\$180,000 that are unattached to something in particular so this is part of those funds, plus they have a very healthy fund balance.

Motion was made and seconded to approve Community Development Corporations approval to purchase Christmas Decorations'.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the Community Development Corporations approval to purchase Christmas Decorations., seconded by Yolanda H. Cruz the vote was [Unanimous].

Consideration and ACTION to authorize the City Manger to dispose of surplus**Items.Adopted**

Mr. Munoz stated that there was a couple of vehicles listed and would like to know if the insurance on the vehicles was already removed. Mr. Milum answered no because the vehicles were still in use. Mr. Munoz asked if the city planned to sell them as soon as possible. Mr. Milum answered yes but the city will have to go through the process to dispose of them. Mr. Munoz asked if the vehicles were paid monthly or if the full year had already been paid on the insurance. Mr. Milum explained that whatever the city has in the beginning of the year is what we will pay. If the city adds or removes a vehicle throughout the year the rate does not change till the following year.

Mr. Munoz asked if once the vehicle were sold Mr. Milum could present a printout to the council of what was sold and what the city used the money for.

Mr. Milum explained the city doesn't use the money for anything. It is deposited into the general fund. The city does not take the money and go buy something.

Mr. Milum explained each item that was on the surplus list.

Motion was made and seconded to authorize the City Manager to dispose of surplus items.

Polo Narvaez made a motion to approve Consideration and ACTION to authorize the City Manger to dispose of surplus Items., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve an amended agreement for Cameron County**Reverse 9-1-1 System.Adopted**

Motion was made and seconded to approve an amended agreement for Cameron County Reverse 9-1-1 System.

Polo Narvaez made a motion to approve Consideration and ACTION to approve an amended agreement for Cameron County Reverse 9-1-1 System., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to approve a memorandum of understanding with Research, Applied Technology, Education, and Service for the preparation of a Regional Texas Pollutant Discharge Elimination System (TPDES) Stormwater Permit Application and Storm Water Management Plan for the Lower Rio Grande Valley TPDES Stormwater Task Force.Adopted

Mr. Munoz asked Mr. Milum if he could give the council more information on the item.

Mr. Milum explained the city is part of a group/task force that deals with stormwater. The stormwater is drainage where all of the city's stormwater drains into the Brownsville ship channel. State and federal regulations require the city to monitor and test that activity. There are signs throughout the city that are required by law to have at all drain sites and resacas stating not to put pollutants.

Mr. Milum answered question for the council.

Motion was made and seconded to approve a memorandum of understanding with Research, Applied Technology, Education, and Service for the preparation of a Regional Texas Pollutant Discharge Elimination System (TPDES) Stormwater Permit Application and Storm Water Management Plan for the Lower Rio Grande Valley TPDES Stormwater Task Force.

James Herrera made a motion to approve Consideration and ACTION to approve a memorandum of understanding with Research, Applied Technology, Education, and Service for the preparation of a Regional Texas Pollutant Discharge Elimination System (TPDES) Stormwater Permit Application and Storm Water Management Plan for the Lower Rio Grande Valley TPDES Stormwater Task Force., seconded by Joe Collinsworth the vote was [Unanimous].

Visitors remarks-To speak you must sign in with the City Secretary prior to the meeting you have a limit of 3 minutes to speak.

Mr. James Keillor requested to speak about sidewalk repairs and the new city hall.

Mr. Keillor stated there are at least on hundred areas throughout the city where the sidewalks are collapsed some as much as three to four inches.

Mr. Keillor stated that at the Durango Estate Subdivision there are about six sidewalks that have buckled up and citizens that are unaware of the three inch incline could fall and it would be a liability to the city. Mr. Keillor stated that most of the damage to the sidewalks are caused by the city. He stated that there is not one expansion joint in the two thousand foot sidewalk. If there would have been proper inspections by the city and each time a section of the sidewalks were built and there was a three quarter thick expansion the city would not have that problem.

Mr. Keillor explained that another issue was in the fall of 1981 he was building a house in Los Cuates Subdivision. A water meter started leaking on the city side next door probably about ten feet from the corner of the lot the city came by and fixed it. Undermine the sidewalk instead of the city coming back and fixing the sidewalk. No dirt was put back the next day and they had a collapsed sidewalk.

Mr. Kellior stated the city needs to be more proactive and responsible in inspecting the sidewalks and taking care of stuff that is on city property.

Mr. Keillor explained that he had talked to Mr. Milum about the sidewalk issue for a couple of years and there has to be a time in which it is addressed.

Mr. Keillor explained his concern on the new city hall. Mr. Keillor believes that anyone that is building a commercial building the first priority is what type of wind rating and fire rating is the building going to get.

Mr. Keillor asked the Mayor what the fire rating was at the new city hall.

Mayor Narvaez stated he was not sure what it was right off hand and he would need to check on it.

Mr. Milum stated he would have to divert that to the city's architect and he would be glad to get that information for Mr. Keillor.

Mr. Keillor stated he would tell him the information. To be semi fire resistant you can not have any wood supporting structures or wood roof members. It must be steel columns and an eight inch masonry wall and steel bar joist's. To go to fully fire resistance you have to have reinforced concrete. He believes most of the savings, three quarters of the savings is to go from non rated to semi fire resistant.

Mr. Keillor stated he was at gasp when he saw the city hall being built with all wood frame work. Mr. Keillor exclaimed you do not build commercial buildings like that. Mr. Keillor does not believe the city will get a semi fire resistant rating in that building.

Mr. Keillor believes that the difference in the insurance for the building will be \$30,000 verses \$6,000-\$7,000 a year.

Mr. Keillor exclaimed that this was a horrible error and the city will be stuck with a \$3.5 million building that is not going to be fire rated to any capacity. He does not know about the wind rating.

Mr. Keillor stated somebody needs to look into it and be held accountable why you build a \$3.5 million building and don't even get a semi fire resistant rating.

Mr. Keillor stated the council would be living with it for many years to come.

Mayor Narvaez thanked Mr. Keillor.

Action Items

Consideration and ACTION to keep the same water & wastewater rates.Adopted

Mr. Milum asked the cocunil if they had any question on the comments he listed in the agenda in regards to item. Mr. Milum reminded the council that this was an item Mr. Keillor had brought up in a previous meeting. Mr. Milum explained that the rates were calculated with the anticipation on the city doing certain things in 2018 with regards to the water plant as well as the sewer. Since the city has not borrowed the money yet for the upgrades, rates do not need to be increased for 2019 Mr. Milum explained to the council all the different people that were involved in the rate study to determine the rates.

Motion was made and seconded to keep the same water & wastewater rates 2019.

Juan Munoz made a motion to approve Consideration and ACTION to keep the same water & wastewater rates., seconded by Joe Collinsworth the vote was [Unanimous].

Consideration and ACTION to approve Resolution 5-2019 adopting an annexation plan.Adopted

Mr. Milum stated he was asked by the council a year ago to look into annexation plans. After looking at different options Mr. Milum feels no annexation is needed at this time. Mr. Milum explained the resolution just states there are no annexation plans at this time but it does not prevent someone to come ask to be annexed into the city or for the city to change its mind.

Mr. Milum answered questions from the board and discussed past annexations and properties throughout the city.

Motion was made and seconded to approve Resolution 5-2019 adopting an annexation plan.

Swain Real made a motion to approve Consideration and ACTION to approve Resolution 5-2019 adopting an annexation plan., seconded by Yolanda H. Cruz the vote was [Unanimous].

Consideration and ACTION to approve to authorize the City Manager to work with the City Engineer to develop a street bid package for street repairs.Adopted

Mr. Milum explained to the council that when the city received a loan for street repairs the council decided to repair Henderson Road crossings first, get the project done and know how much it would cost before the city started on any other streets.

Mr. Milum believes it is time to move forward with the other street projects. He recommends \$750,00 be set aside for the street upgrades with no more than \$75,000 for engineering leaving \$675,000 for construction. Mr. Milum encouraged the council if they had not already done so go out to see the streets he listed for repairs.

Mr. Munoz asked Mark if those were the streets he selected. Mr. Milum answered yes and explained each listed street to the council.

Mr. Munoz asked if based on the \$750,000 the city would have enough to fix all the streets listed. Mr. Milum answered no.

Motion was made and seconded to authorize the City manager to work with the City Engineer to develop a street bid package for street repairs.

Juan Munoz made a motion to approve Consideration and ACTION to approve to authorize the City Manager to work with the City Engineer to develop a street bid package for street repairs., seconded by Joe Collinsworth the vote was [Unanimous].

Consideration and ACTION to approve the waiving of all sewer connection fees, water connections fees and utility expansion fees in lieu of the developer extending all utility infrastructure to the development.Adopted

Councilmember Swain Real stepped out of the chambers before this item was discussed at 7:25 p.m.

Mr. Milum stated that Mr. Real stepped out of the chambers. He explained that the action item was in reference to a development Mr. Real and his family are involved in.

Mr. Milum explained the location on the property and the estimated cost the development would take on streets, drainage, water, sewer connections and to extend lines.

Mr. Milum gave examples of other developments where the connection fees were waived and utility lines were extended at the developers expense.

Mr. Milum explained it was a senior living housing development.

Mt. Milum answered questions for the council and discussed costs.

Motion was made and seconded to approve waiving all sewer connection fees, water connection fees, and utility expansion fees in the lieu of the developer extending all utility infrastructure to the development.

Yolanda H. Cruz made a motion to approve Consideration and ACTION to approve the waiving of all sewer connection fees, water connections fees and utility expansion fees in lieu of the developer extending all utility infrastructure to the development., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve the Los Fresnos Police Department 2018 Racial Profiling Report Adopted

Councilmember Swain Real reentered the chamber at 7:37 p.m.

Mr. Milum explained that the racial profiling report shows anybody that has had a traffic stop. The report shows the gender, ethnicity, where they were stopped and other information.

Mr. Munoz asked if the section labeled city streets was the highway or inside the city limits.

Mr. Milum explained the city uses Ocean Blvd and Arroyo Blvd so the system recognizes that as a city street. If State highway 100 or FM 1847 was used it would be listed under state highway. Mr. Milum explained this was the first year the system separated it this way and from now on the police officers would label is accordingly.

Mr. Milum and Chief Hector Gonzalez answered questions for the council.

Motion was made and seconded to approve the Los Fresnos Police Department 2018 Racial Profiling Report.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the Los Fresnos Police Department 2018 Racial Profiling Report, seconded by Juan Munoz the vote was [Unanimous].

Consideration and ACTION to approve Ordinance 498-amending chapter 28, "Nuisances", section 28-25 "Weeds and Vegetation" by adding the establishing fees and regulations for lot mowing work performed by the city. Adopted

Mr. Milum explained the policy has always been when you reach \$500 in bills the city has done work for lot mowing for people that have failed to do so after notification. A lien is placed on the property. This has always been a policy but our finance department would feel more comfortable if it was in policy.

Mr. Milum answered questions for the council.

Motion was made and seconded to approve Ordinance 498-amending chapter 28, “Nuisances”, section 28-25 “Weeds and Vegetation” by adding the establishing fees and regulations for lot mowing work performed by the city.

Swain Real made a motion to approve Consideration and ACTION to approve Ordinance 498-amending chapter 28, “Nuisances”, section 28-25 “Weeds and Vegetation” by adding the establishing fees and regulations for lot mowing work performed by the city., seconded by Joe Collinworth the vote was [Unanimous].

Consideration and ACTION on the selection of Mayor Pro-tem for a one-year term.Adopted

Mayor Narvaez stated that Councilmember Yolanda Cruz was the current Mayor Pro-Tem. Mayor Narvaez asked if anyone was interested. Councilmember Swain Real stated he was ok with Mrs. Cruz as the Mayor Pro-Tem.

Motion was made and seconded to approve Yolanda Cruz to continue as Mayor Pro-Tem for a one-year term.

Joe Collinworth made a motion to approve Consideration and ACTION on the selection of Mayor Pro-tem for a one-year term., seconded by Swain Real the vote was [Unanimous].

Acknowledgement of City Manager's Report

City Manager Report A. Wastewater Plant Update B. Water Plant Update C. Water & Wastewater Engineering Study D. Whipple Road Wastewater Extension E. Nature Park F. Hike & Bike Trails G. CDBG 2017-2018 Grant H. Henderson Road Project I. City Hall Project J. Building Inspections K. Underground Canal L. Dog Park M. Update Planning & Zoning Ordinance N. Economic Development O. Boys & Girls Club Quarterly ReportsAdopted

Mr. Milum stated he would highlight some of the items in his report he felt were very different. If the council still had any questions they were welcome to ask.

Mr. Milum reported the city had finally received an email from TxDot confirming environmental clearance for the Hike & Bike Trails. The city is waiting for an official letter. Mr. Milum reported the Boys & Girls Club submitted their quarterly reports and information about the programs they are offering for kids.

Motion was made and seconded to acknowledge the City Manager's Report.

Joe Collinworth made a motion to approve City Manager Report A. Wastewater Plant Update B. Water Plant Update C. Water & Wastewater Engineering Study D. Whipple Road Wastewater Extension E. Nature Park F. Hike & Bike Trails G. CDBG 2017-2018 Grant H. Henderson Road Project I. City Hall Project J. Building Inspections K. Underground Canal L. Dog Park M.

Update Planning & Zoning Ordinance N. Economic Development O. Boys & Girls Club Quarterly Reports, seconded by James Herrera the vote was [Unanimous].

Acknowledgement of Department Head Reports

Financial Report 1. Monthly 2. Year to Date 3. Sales TaxAdopted

Motion was made and seconded to acknowledge the Financial report.

Polo Narvaez made a motion to approve Financial Report 1. Monthly 2. Year to Date 3. Sales Tax, seconded by Swain Real the vote was [Unanimous].

Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Permits 4. RecyclingAdopted

Motion was made and seconded to acknowledge the Public Works report.

Polo Narvaez made a motion to approve Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Permits 4. Recycling, seconded by Swain Real the vote was [Unanimous].

Police Department 1. Arrests 2. Incidents 3. AccidentsAdopted

Motion was made and seconded to acknowledge the Police Department report.

Polo Narvaez made a motion to approve Police Department 1. Arrests 2. Incidents 3. Accidents, seconded by Swain Real the vote was [Unanimous].

Municipal Court 1. Monthly ReportAdopted

Motion was made and seconded to acknowledge Municipal Court report.

Polo Narvaez made a motion to approve Municipal Court 1. Monthly Report, seconded by Swain Real the vote was [Unanimous].

Library Report 1. Monthly ReportAdopted

Motion was made and seconded to acknowledge the Library report.

Polo Narvaez made a motion to approve Library Report 1. Monthly Report, seconded by Swain Real the vote was [Unanimous].

Fire Marshal's Report 1. Monthly ReportAdopted

Motion was made seconded to acknowledge the Fire Marshal's Report.

Polo Narvaez made a motion to approve Fire Marshal's Report 1. Monthly Report, seconded by Swain Real the vote was [Unanimous].

Closed Session - Deliberation pursuant to Section 551.074, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the following.

- Deliberation pursuant to Section 551.074, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the following.

Closed Session - Deliberation pursuant to Sections 551.071, 551.072 and 551.074, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the purchase, exchange, lease, or value of real property, the evaluation of City Manager and the pending or contemplated litigation.No Action

Mayor Polo Narvaez recessed the meeting at 6:35 p.m.

Mayor Polo Narvaez recessed the meeting at 7:49 p.m.

made a motion to approve Closed Session - Deliberation pursuant to Sections 551.071, 551.072 and 551.074, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the purchase, exchange, lease, or value of real property, the evaluation of City Manager and the pending or contemplated litigation., seconded by the vote was .

Open Session – Deliberation and possible action regarding the following:

Open Session - Deliberation pursuant to Sections 551.071, 551.072 and 551.074, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the purchase, exchange, lease, or value of real property, the evaluation of City Manager and the pending or contemplated litigation.Adopted

Mayor Narvaez called the meeting back to order at 7:12 p.m.

Mayor Narvaez stated no action was taken regarding pending and contemplation litigation and the council will go back to closed session to discuss the second item.

Mayor Narvaez called the meeting back to order at 9:05 p.m.

Mayor Narvaez stated no action was taken regarding the evaluation to the City Manager.

Motion was made and seconded to authorize the City Manager to move forward on the purchase on the two properties mentioned.

Polo Narvaez made a motion to approve Open Session - Deliberation pursuant to Sections 551.071, 551.072 and 551.074, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the purchase, exchange, lease, or value of real property, the evaluation of City Manager and the pending or contemplated litigation., seconded by Joe Collinsworth the vote was [Unanimous].

11. Adjournment

Mayor Polo Narvaez closed the meeting at 9:07 p.m.

Presiding Officer of the Council

Recorder