

# City Council

200 North Brazil

Los Fresnos, TX 78566

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

## Regular Meeting

~ Minutes ~

Tuesday, May 9, 2017

6:00 PM

City Hall

### Agenda

1. Call meeting to order  
Mayor Narvaez called the meeting to order at 6:00 PM.
2. Invocation and Pledge of Allegiance  
Mayor Narvaez gave the invocation and led the audience in the Pledge of Allegiance.

### Consent Agenda

#### Approval or rejection of Minutes from April 11, 2017 meeting.Adopted

Motion was made and seconded to approved the Minutes from April 11, 2017 as presented.

Polo Narvaez made a motion to approve Approval or rejection of Minutes from April 11, 2017 meeting., seconded by Swain Real the vote was [Unanimous].

#### Approval or rejection of a Proclamation for National Hurricane Preparedness Week in May.Adopted

Motion was made and seconded to approve the Proclamation for National Hurricane Preparedness Week in May.

Polo Narvaez made a motion to approve Approval or rejection of a Proclamation for National Hurricane Preparedness Week in May., seconded by Swain Real the vote was [Unanimous].

#### Approval or rejection of a Resolution finding AEP Texas Inc.'s application to amend its distribution cost recovery factors to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel.Adopted

Motion was made and seconded to approve a Resolution finding AEP Texas Inc.'s application to amend its distribution cost recovery factors to increase distribution rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel.

Polo Narvaez made a motion to approve Approval or rejection of a Resolution finding AEP Texas Inc.'s application to amend its distribution cost recovery factors to increase distribution

rates within the City should be denied; finding that the City's reasonable rate case expenses shall be reimbursed by the Company; finding that the meeting at which this Resolution is passed is open to the public as required by law; requiring notice of this Resolution to the Company and legal counsel., seconded by Swain Real the vote was [Unanimous].

**Approval or rejection of a Resolution for Operation Stonegarden.**Adopted

Motion was made and seconded to approve a Resolution for submission of application for Operation Stonegarden.

Polo Narvaez made a motion to approve Approval or rejection of a Resolution for Operation Stonegarden., seconded by Swain Real the vote was [Unanimous].

**Approval or rejection of a Resolution supporting the Port of Brownsville who is competing for a steel manufacturing facility at the Port.**Adopted

Motion was made and seconded to approve a Resolution supporting the Port of Brownsville who is competing for a steel manufacturing facility at the Port.

Polo Narvaez made a motion to approve Approval or rejection of a Resolution supporting the Port of Brownsville who is competing for a steel manufacturing facility at the Port., seconded by Swain Real the vote was [Unanimous].

**Approval or rejection to amend 2016/2017 budget for the Ethel Whipple Memorial Library for a grant received from the Texas Library Association.**Adopted

Motion was made and seconded to approve an amendment to the 2016/2017 budget for Ethel Whipple Memorial Library.

Polo Narvaez made a motion to approve Approval or rejection to amend 2016/2017 budget for the Ethel Whipple Memorial Library for a grant received from the Texas Library Association., seconded by Swain Real the vote was [Unanimous].

**Approval or rejection to acknowledge the financial report and cash investment report for the 2nd quarter ending March 31, 2017.**Adopted

Motion was made and seconded to acknowledge the financial report and cash investment report for the 2nd quarter ending March 31, 2017.

Polo Narvaez made a motion to approve Approval or rejection to acknowledge the financial report and cash investment report for the 2nd quarter ending March 31, 2017., seconded by Swain Real the vote was [Unanimous].

**Approval or rejection to acknowledge expenditures by Los Fresnos Community Development Corporation for lights at Memorial Park and Community Park.**Adopted

Motion was made and seconded to acknowledge the expenditures by Los Fresnos Community Development Corporation for lights at Memorial Park and Community Park.

Polo Narvaez made a motion to approve Approval or rejection to acknowledge expenditures by Los Fresnos Community Development Corporation for lights at Memorial Park and Community Park., seconded by Swain Real the vote was [Unanimous].

**Visistor Remarks - To speak you must sign in with City Secretary prior to the meeting and you have a limit of 3 minutes to speak.**

Mr. Alfonso Gonzalez from SWG Consulting Engineers was present and introduced the company to the Council. He gave a brief history of the company.

**Action Items**

**Discussion on process of hiring a Police Chief.No Action**

Mr. Milum stated that he had received 14 applications and had interviewed 9 of the applicants. He has more scheduled for tomorrow and Tuesday. There is one applicant from East Texas and he will be working out an arrangement to interview him.

made a motion to approve Discussion on process of hiring a Police Chief., seconded by the vote was .

**Discussion, consideration and ACTION on update of contract with Architect Firm for New City Hall.No Action**

Mr. Milum stated that Mr. Holiday from BRW Architects will be down here next Wednesday to discuss the new proposed cost estimates for construction and architect fees.

made a motion to approve Discussion, consideration and ACTION on update of contract with Architect Firm for New City Hall., seconded by the vote was .

**Consideration and ACTION on the legal dispute with East Rio Hondo Water Supply Corporation and CCN disputed area that is dually certified by both East Rio Hondo Water Supply Corporation and the City of Los Fresnos.Adopted as Amended**

This item was approved in the Open Session of meeting.

Polo Narvaez made a motion to approve Consideration and ACTION on the legal dispute with East Rio Hondo Water Supply Corporation and CCN disputed area that is dually certified by both East Rio Hondo Water Supply Corporation and the City of Los Fresnos., seconded by Bibi Garza the vote was [Unanimous].

**Acknowledgement of City Manager's 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. Montes-Castro Park H. TxDot Sidewalk Projects I. Welcome Sign J.**

**Hazard Mitigation Plan K. TxDot Light at Wal-Mart L. CDBG 2015-2016 Grant M. Community Park N. Memorial Park Adopted**

Mr. Milum reported on the following:

A. Wastewater Plant Update - We are working to get bid documents ready to begin advertising for the chlorine contact basin and the sludge drying beds. Hopefully we can award a contract in June. The headworks portion will need to be designed first taking about 120 days and then approval by TWDB. Once that is done we can advertise and begin construction in the late summer or early fall.

B. Water Plant Update - Guzman & Munoz Engineering is working on the detailed items that need to be done by a contractor to include as part of the study in doing so hopefully get funding through TWDB. They are also looking to see if there is a less expensive way to install a bypass now that will help tremendously. No new progress.

C. Water & Wastewater Engineering Study - Guzman & Munoz Engineering continues to work on design, surveying, easements or property required for east and west Highway 100 as well as north on FM 1575. They are also studying all the existing water and wastewater lines in the city to determine which need to be replaced for various reasons. City staff is trying to get all the right of entries for possible easements.

D. Whipple Road Wastewater Extension - Naismith-Hanson Engineering is working on that project and will hopefully have some preliminary plans to review soon. We are having difficulty getting the right of entry with the folks in the big house on the corner of Arroyo Boulevard and Whipple Road.

E. Nature Park - Naismith-Hanson Engineering will have the Master Plan 90% complete by May 12. We will review and then they can proceed. The price for the lighting of the parking area is \$30,450.

F. Hike & Bike Trails - We have sent the easement off to the owners of the property that needed to be signed. We still have not heard from them. Once we have the easement signed they can continue the final design.

G. Montes-Castro Park - The Master Plan has been approved by the Park Advisory Board. The final plans are done and we are reviewing them. Once we give approval we will be able to go out for bids and then start construction. Naismith-Hanson Engineering feels we will have bids ready for your approval in July.

H. TxDot Sidewalk Projects - The contractor for the sidewalks on Arroyo Boulevard from Ocean Boulevard to Alvarez Court on both sides of the road and on Ocean

Boulevard from Church's Chicken to Tapia's Cafe continues with good progress. It is possible we will not make it all the way to Tapia's Cafe with the sidewalk. Since the bar ditch is so steep in that area, it will require a concrete border so they are looking to see how much length they need to cut off to install the border and stay within the same budget.

I. Welcome Sign - The pre-construction meeting was held. Work will begin soon. Date of completion is June 23 but will probably be extended due to us not getting the sign in proper direction that I wanted so I delayed it a little.

J. Hazardous Mitigation Plan - Revisions have been made that FEMA requested and we will now wait for them. It usually takes about 6 months for them to notify.

K. TxDot Light at Walmart - They will begin to install the light in the middle to end of May.

L. CDBG 2015-2016 Grant - The design for the street work is 70% complete and we are reviewing. We hope to have the final plans by May 12. The engineering is being done by Naismith-Hanson Engineering for East Sixth Street from Pita Street to Coma Street and East Ninth Street from Arroyo Boulevard to Coma Street.

M. Community Park - Some minor work is being done on the playground equipment to make it safer. They will also be placing a new carpet type pad on the safe fall zone around the playground equipment. We have bids on lighting of the entire area and is on this agenda.

N. Memorial Park - We are still waiting on specifications on the pad for the exercise equipment. Once we have that it will be installed. We have bids on lighting in the playground, basketball and sand volleyball area as well as along the track and is on this agenda.

Mr. Milum stated that engineering proposals have been sent out for the resaca crossings and canal crossing on Henderson Road. We will need two people to be on the rating committee. Mayor Narvaez and Council Member Cruz will be on the rating committee.

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

Polo Narvaez made a motion to approve 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. Montes-Castro Park H. TxDot Sidewalk Projects I. Welcome

Sign J. Hazard Mitigation Plan K. TxDot Light at Wal-Mart L. CDBG 2015-2016 Grant M. Community Park N. Memorial Park, seconded by Yolanda H. Cruz the vote was [Unanimous].

**Acknowledgement of Department Head Reports**

**Financial Report 1. Monthly 2. Year-to-Date**Adopted

Motion was made and seconded to acknowledge the finance report as presented.

Polo Narvaez made a motion to approve Financial Report 1. Monthly 2. Year-to-Date, seconded by Yolanda H. Cruz the vote was [Unanimous].

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

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

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 Bibi Garza the vote was [Unanimous].

**Police Department Report 1. Arrests 2. Incidents 3. Accidents**Adopted

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

Mr. Milum stated that the City is not a sanctuary city. We assist local agencies as well as state and federal agencies as they need assistance. Our Police Department will follow the law.

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

**Municipal Court Report 1. Monthly Report**Adopted

Motion was made and seconded to acknowledge the Municipal Court report as presented.

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

**Library Report 1. Monthly Report**Adopted

Motion was made and seconded to acknowledge the Library report as presented.

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

**Fire Marshal's Report 1. Monthly Report**Adopted

Motion was made and seconded to acknowledge the Fire Marshal's report as presented.

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

**Closed Session – Deliberation pursuant to Section 551.072, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the following:**

**Closed Session - To deliberate pursuant to Sections 551.071 and 551.072, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the following: A. 551.071 - Consultation with City Attorney on litigation - East Rio Hondo Water Supply Corporation vs City of Los Fresnos. B. 551.072 To deliberate the purchase, exchange, lease, or value of real property.No Action**

Mayor Narvaez stated that the meeting will be recessed for Closed Session at 6:35 PM. made a motion to approve Closed Session - To deliberate pursuant to Sections 551.071 and 551.072, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the following: A. 551.071 - Consultation with City Attorney on litigation - East Rio Hondo Water Supply Corporation vs City of Los Fresnos. B. 551.072 To deliberate the purchase, exchange, lease, or value of real property., seconded by the vote was .

**Open Session – Deliberation and possible action regarding the following:**

**Open Session - Deliberation and possible action regarding the following: A. 551.071 - Consultation with City Attorney on litigation - East Rio Hondo Water Supply Corporation vs City of Los Fresnos. B. 551.072 - Deliberation on the purchase, exchange, lease, or value of real property.Adopted**

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

Section 551.071 and aciton item #3- Motion was made and seconded to authorize the City Manager to negotiate a settlement with East Rio Hondo Water Supply Corporation on the legal dispute and CCN disputed area that is dually certified by both East Rio Hondo Water Supply Corporation and the City of Los Fresnos.

Section 551.072 - Motion was made and seconded to authorize the City Manager to negotiate the purchase of property.

Polo Narvaez made a motion to approve Open Session - Deliberation and possible action regarding the following: A. 551.071 - Consultation with City Attorney on litigation - East Rio Hondo Water Supply Corporation vs City of Los Fresnos. B. 551.072 - Deliberation on the purchase, exchange, lease, or value of real property., seconded by Bibi Garza the vote was [Unanimous].

10. Adjournment

Mayor Narvaez adjourned the meeting at 7:15 PM.

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Presiding Officer of the Council

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Recorder