

# City Council

520 E Ocean Blvd.

## Regular Meeting

Los Fresnos, TX 78566

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

~ Minutes ~

Tuesday, May 14, 2024

6:00 PM

City Hall

### Agenda

A. Call meeting to order

The meeting was called to order at 6:00 PM by Mayor Pro-Tem Alberto Escobedo.

B. Invocation and Pledge of Allegiance

Mark Milum gave Invocation and led the audience in the Pledge of Allegiance.

**Visitor remarks – To speak you must sign in prior to the meeting and you have a limit of 5 minutes to speak.**

There were none.

### Presentation

**Recognition to the City of Los Fresnos for first place in the small community category for the It's Time Texas Community Challenge.No Action**

Mr. Milum explained the challenge and thanked the community for their participation. The council thanked Christine Martinez for the great work she does with the Community Health Program.

made a motion to approve Recognition to the City of Los Fresnos for first place in the small community category for the It's Time Texas Community Challenge., seconded by the vote was .

**Presentation by UTHHealth Houston School of Public Health.No Action**

made a motion to approve Presentation by UTHHealth Houston School of Public Health., seconded by the vote was .

**Public Hearing to receive comments from property owners concerning the appeal of the Planning and Zoning Commissions decision to deny a variance request on the side setbacks requirement from 50 feet to 16 feet on east side of property and 50 feet to 25 feet on north side of property for a future off premise (billboard) sign that will be located at 741 W Ocean Blvd.No Action**

Public hearing opened at 6:05 p.m.

Mr. Milum explained the location of the property and what was being requested.

Public hearing closed at 6:06 p.m.

made a motion to approve Public Hearing to receive comments from property owners concerning the appeal of the Planning and Zoning Commissions decision to deny a variance

request on the side setbacks requirement from 50 feet to 16 feet on east side of property and 50 feet to 25 feet on north side of property for a future off premise (billboard) sign that will be located at 741 W Ocean Blvd., seconded by the vote was .

**Consent Agenda (All matters listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the City Council. The item may subsequently be removed from the Consent Agenda to be considered separately.)**

Mayor Pro-tem asked the council if they had any questions on the consent agenda. There were none.

**Consideration and ACTION to approve the minutes from April 9, 2024.**Adopted

Motion was made and seconded to approve the minutes from April 9, 2024.

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve the minutes from April 9, 2024., seconded by Alberto Escobedo the vote was [Unanimous].

**Consideration and ACTION to approve the second reading of an ordinance approving the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Two, City of Los Fresnos, TEXAS; authorizing the City Secretary to distribute such plans; containing various provisions related to the foregoing subject.**Adopted

Motion was made and seconded to approve the second reading of an ordinance approving the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Two, City of Los Fresnos, TEXAS; authorizing the City Secretary to distribute such plans; containing various provisions related to the foregoing subject.

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve the second reading of an ordinance approving the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Two, City of Los Fresnos, TEXAS; authorizing the City Secretary to distribute such plans; containing various provisions related to the foregoing subject., seconded by Alberto Escobedo the vote was [Unanimous].

**Consideration and ACTION to approve payment in lieu of land for park dedication for the Dunnco II Los Fresnos Subdivision.**Adopted

Motion was made and seconded to approve payment in lieu of land for park dedication for the Dunnco II Los Fresnos Subdivision.

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve payment in lieu of land for park dedication for the Dunnco II Los Fresnos Subdivision., seconded by Alberto Escobedo the vote was [Unanimous].

**Consideration and ACTION to approve the Quarterly Investment Portfolio Report ended as of March 31, 2024.**Adopted

Motion was made and seconded to approve the Quarterly Investment Portfolio Report ended as of March 31, 2024.

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve the Quarterly Investment Portfolio Report ended as of March 31, 2024., seconded by Alberto Escobedo the vote was [Unanimous].

**Consideration and ACTION to approve the Los Fresnos Police Department to participate in the Law Enforcement Support Office program (1033 Program).Adopted**

Motion was made and seconded to approve the Los Fresnos Police Department to participate in the Law Enforcement Support Office program (1033 Program).

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve the Los Fresnos Police Department to participate in the Law Enforcement Support Office program (1033 Program)., seconded by Alberto Escobedo the vote was [Unanimous].

**Consideration and ACTION to approve the first reading of an ordinance amending the Los Fresnos Code of Ordinances, Chapter 48-Zoning, Article II-District Regulations, Division 7-Additional Standards, Subdivision IV-Signs, Section 48-273 Signs exempted from certain regulations and repealing all ordinances and parts of ordinances in conflict therewith.Adopted**

Motion was made and seconded to approve the first reading of an ordinance amending the Los Fresnos Code of Ordinances, Chapter 48-Zoning, Article II-District Regulations, Division 7-Additional Standards, Subdivision IV-Signs, Section 48-273 Signs exempted from certain regulations and repealing all ordinances and parts of ordinances in conflict therewith.

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve the first reading of an ordinance amending the Los Fresnos Code of Ordinances, Chapter 48-Zoning, Article II-District Regulations, Division 7-Additional Standards, Subdivision IV-Signs, Section 48-273 Signs exempted from certain regulations and repealing all ordinances and parts of ordinances in conflict therewith., seconded by Alberto Escobedo the vote was [Unanimous].

**Consideration and ACTION to approve change order number 1 for the FM 1847 North HS Park Connection Sidewalk Project and budget amendment to reflect the change order.Adopted**

Motion was made and seconded to approve change order number 1 for the FM 1847 North HS Park Connection Sidewalk Project and budget amendment to reflect the change order.

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve change order number 1 for the FM 1847 North HS Park Connection Sidewalk Project and budget amendment to reflect the change order., seconded by Alberto Escobedo the vote was [Unanimous].

**Consideration and ACTION to excuse the absence of Leonel Casanova from the May 6, 2024 Community Development Corporation meeting.**Adopted

Motion was made and seconded to excuse the absence of Leonel Casanova from the May 6, 2024 Community Development Corporation meeting.

Gabriela Fernandez made a motion to approve Consideration and ACTION to excuse the absence of Leonel Casanova from the May 6, 2024 Community Development Corporation meeting., seconded by Alberto Escobedo the vote was [Unanimous].

**Consideration and ACTION to excuse the absence of Terry Vinson from the April 9, 2024 City Council meeting.**Adopted

Motion was made and seconded to excuse the absence of Terry Vinson from the April 9, 2024 City Council meeting.

Gabriela Fernandez made a motion to approve Consideration and ACTION to excuse the absence of Terry Vinson from the April 9, 2024 City Council meeting., seconded by Alberto Escobedo the vote was [Unanimous].

**Action Items**

**Consideration and ACTION to appeal of the Planning and Zoning Commissions decision to deny a variance request on the side setbacks requirement from 50 feet to 16 feet on east side of property and 50 feet to 25 feet on north side of property for a future off premise (billboard) sign that will be located at 741 W Ocean Blvd.**Adopted as Amended

Mr. Milum asked the council if they had any questions for him on the property. Michael Rios and Eddie Lucio with Media Choice were present. They explained the benefits of the billboard, discussed the billboard and answered questions from the board.

Motion was made and seconded to approve the appeal for a variance request on the side setbacks requirement from 50 feet to 16 feet on east side of property and 50 feet to 25 feet on north side of property for a future off premise (billboard) sign that will be located at 741 W Ocean Blvd.

Luis Gonzalez made a motion to approve Consideration and ACTION to appeal of the Planning and Zoning Commissions decision to deny a variance request on the side setbacks requirement from 50 feet to 16 feet on east side of property and 50 feet to 25 feet on north side of property for a future off premise (billboard) sign that will be located at 741 W Ocean Blvd., seconded by Juan Munoz the vote was [3 to 2].

**Consideration and ACTION to approve amendments made to an Inter-local agreement between the Tax Increment Reinvestment Zone #2, the City of Los Fresnos, and Cameron County for County's participation in the zone.**Adopted

Mr. Milum explained the agreement had been approved by Cameron County.

Motion was made and seconded to approve amendments made to an Inter-local agreement between the Tax Increment Reinvestment Zone #2, the City of Los Fresnos, and Cameron County for County's participation in the zone.

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve amendments made to an Inter-local agreement between the Tax Increment Reinvestment Zone #2, the City of Los Fresnos, and Cameron County for County's participation in the zone., seconded by Alberto Escobedo the vote was [Unanimous].

**Consideration and ACTION to approve the first reading of an ordinance approving the Economic Development Agreement between the City of Los Fresnos, the Tax Increment Reinvestment Zone #2, City of Los Fresnos, and GF Development of Los Fresnos, LLC; authorizing execution of the agreement, and various provisions related to the foregoing subject.**Adopted

Mr. Milum explained the agreement provided inframtooin on how the TIRZ #2 would operate.

Motion was made and seconded to approve the first reading of an ordinance approving the Economic Development Agreement between the City of Los Fresnos, the Tax Increment Reinvestment Zone #2, City of Los Fresnos, and GF Development of Los Fresnos, LLC; authorizing execution of the agreement, and various provisions related to the foregoing subject.

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve the first reading of an ordinance approving the Economic Development Agreement between the City of Los Fresnos, the Tax Increment Reinvestment Zone #2, City of Los Fresnos, and GF Development of Los Fresnos, LLC; authorizing execution of the agreement, and various provisions related to the foregoing subject., seconded by Juan Munoz the vote was [Unanimous].

**Consideration and ACTION to approve the rating for engineering services authorizing the City Manager to negotiate an agreement with the highest rated responsive firm for the Wastewater Discharge Reuse Project.**Adopted

Mr. Milum listed the members of the rating committee, explained the project and answered questions from the council.

Consideration and ACTION to approve the rating for engineering services authorizing the City Manager to negotiate an agreement with the highest rated responsive firm for the Wastewater Discharge Reuse Project, Garver.

Juan Munoz made a motion to approve Consideration and ACTION to approve the rating for engineering services authorizing the City Manager to negotiate an agreement with the highest rated responsive firm for the Wastewater Discharge Reuse Project., seconded by Luis Gonzalez the vote was [Unanimous].

**Consideration and ACTION to approve a resolution for the submission of the Bureau of Reclamation WATERSMART Program Planning and Project Design Grant for the City of Los Fresnos.**Adopted

Mr. Milum explained the resolution was for the submittal of a grant application to request funding for the Wastewater Reuse Project planning and design.

Motion was made and seconded to approve a resolution for the submission of the Bureau of Reclamation WATERSMART Program Planning and Project Design Grant for the City of Los Fresnos.

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve a resolution for the submission of the Bureau of Reclamation WATERSMART Program Planning and Project Design Grant for the City of Los Fresnos., seconded by Alberto Escobedo the vote was [Unanimous].

**Consideration and ACTION to approve an agreement and budget amendment for engineering services with Hanson Professional Services for the TxDot FM 1575 Utility Conflicts Project.**Adopted

Mr. Milum explained the agreement was needed to address some issues that were identified by TXDOT. He mentioned the budget amendment would reflect the items stated in the agreement.

Motion was made and seconded to approve an agreement and budget amendment for engineering services with Hanson Professional Services for the TxDot FM 1575 Utility Conflicts Project.

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve an agreement and budget amendment for engineering services with Hanson Professional Services for the TxDot FM 1575 Utility Conflicts Project., seconded by Luis Gonzalez the vote was [Unanimous].

**Consideration and action to approve Change Order #1 for the westside water line extension from Walmart-1004 W Ocean Blvd to Hands of Healing-32799 State Hwy 100 and budget amendment to reflect the change order .**Adopted

Mr. Milum explained a driveway was installed for a new plaza that was not in the original bid plans. The contractor will now have to bore under the driveway to avoid cutting through the new driveway. This change order and budget amendment would list the expenses.

Motion was made and seconded to approve Change Order #1 for the westside water line extension from Walmart-1004 W Ocean Blvd to Hands of Healing-32799 State Hwy 100 and budget amendment to reflect the change order.

Luis Gonzalez made a motion to approve Consideration and action to approve Change Order #1 for the westside water line extension from Walmart-1004 W Ocean Blvd to Hands of Healing-

32799 State Hwy 100 and budget amendment to reflect the change order ., seconded by Juan Munoz the vote was [Unanimous].

**Consideration and ACTION to approve change order number 2 for the Los Fresnos 2021 Street, Sidewalk, and Sewer Improvements Project and budget amendment to reflect the change order.**Adopted

Mr. Milum explained a force main was located at a different location that was originally thought. This change order and budget amendment would cover the additional cost needed to complete the work.

Motion was made and seconded to approve change order number 2 for the Los Fresnos 2021 Street, Sidewalk, and Sewer Improvements Project and budget amendment to reflect the change order.

Luis Gonzalez made a motion to approve Consideration and ACTION to approve change order number 2 for the Los Fresnos 2021 Street, Sidewalk, and Sewer Improvements Project and budget amendment to reflect the change order., seconded by Gabriela Fernandez the vote was [Unanimous].

**Consideration and ACTION to approve a service agreement with Tyler Technologies.**Adopted

Mr. Milum explained the agreement would include items that were not included when the agreement was updated in 2019. No interruption in service would occur.

Motion was made and seconded to approve a service agreement with Tyler Technologies.

Juan Munoz made a motion to approve Consideration and ACTION to approve a service agreement with Tyler Technologies., seconded by Gabriela Fernandez the vote was [Unanimous].

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

Mr. Milum advised the council the Mayor from the City of Palm Valley is requesting the city donate the two 2015 Ford Interceptors. Mr. Milum and the council discussed the donation requested. Mr. Milum asked the council include the building located at the shooting range.

Motion was made and seconded to authorize the City Manager to dispose of surplus items including the building at the shooting range.

Juan Munoz made a motion to approve Consideration and ACTION to authorize the City Manager to dispose of surplus Items., seconded by Alberto Escobedo the vote was [Unanimous].

**Presentation Video for Community with Opportunity Campaign.**No Action

The video was presented to the council. Council member Escobedo thanked staff for a great video.

made a motion to approve Presentation Video for Community with Opportunity Campaign., seconded by the vote was .

#### **Acknowledgement of City Manager's Report**

#### **City Manager Report A. Waste Water Collection System & Upgrade B. Water Treatment Plant Expansion C. Street Project D. Drainage E. Whipple Road F. COVID-19 G. Veteran's Memorial H. Water Funding I. Wastewater Funding J. Project Status Report K. Baja Drive Speed Check Analysis Adopted**

Mr. Milum reviewed the Baja Drive Speed Check Analysis that should speeding was not an issue.

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

Gabriela Fernandez made a motion to approve City Manager Report A. Waste Water Collection System & Upgrade B. Water Treatment Plant Expansion C. Street Project D. Drainage E. Whipple Road F. COVID-19 G. Veteran's Memorial H. Water Funding I. Wastewater Funding J. Project Status Report K. Baja Drive Speed Check Analysis, seconded by Juan Munoz the vote was [Unanimous].

#### **Acknowledgement of Department Head Reports**

Mayor Pro-tem Escobedo asked the council if they had any questions on the department head reports. There were none.

#### **Financial Report 1. Monthly 2. Year to Date 3. Sales Tax Adopted**

Motion was made and seconded to acknowledge the Financial Report.

Gabriela Fernandez made a motion to approve Financial Report 1. Monthly 2. Year to Date 3. Sales Tax, seconded by Terry Vinson the vote was [Unanimous].

#### **Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Permits 4. Recycling 5. Waste Water Treatment Plant Discharge Monitoring Report Adopted**

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

Gabriela Fernandez made a motion to approve Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Permits 4. Recycling 5. Waste Water Treatment Plant Discharge Monitoring Report, seconded by Terry Vinson the vote was [Unanimous].

#### **Police Department April 2024 1. Calls-By Type 2. Calls-By Date & Time 3. Incidents-By Violation 4. Arrests-By Type 5. Accidents-By Streets & Intersection March 2024 1. Magistrates 2. Index Crimes by Zone Adopted**

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



Gabriela Fernandez made a motion to approve Police Department April 2024 1. Calls-By Type 2. Calls-By Date & Time 3. Incidents-By Violation 4. Arrests-By Type 5. Accidents-By Streets & Intersection March 2024 1. Magistrates 2. Index Crimes by Zone, seconded by Terry Vinson the vote was [Unanimous].

**Municipal Court 1. City Monthly Report- March 2. Linebarger Monthly Report - March Adopted**

Motion was made and seconded to acknowledge the Municipal Court Report.

Gabriela Fernandez made a motion to approve Municipal Court 1. City Monthly Report- March 2. Linebarger Monthly Report - March, seconded by Terry Vinson the vote was [Unanimous].

**Library Report 1. Monthly Report Adopted**

Motion was made and seconded to acknowledge the Library Report..

Gabriela Fernandez made a motion to approve Library Report 1. Monthly Report, seconded by Terry Vinson the vote was [Unanimous].

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

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

Gabriela Fernandez made a motion to approve Fire Marshal's Report 1. Monthly Report, seconded by Terry Vinson the vote was [Unanimous].

**Closed Session**

**Closed Session in accordance to Section 551.071, the Texas Open Meetings Act Consultation with Attorney - to deliberate pending or contemplated litigation regarding the annexation of the City's ETJ.No Action**

made a motion to approve Closed Session in accordance to Section 551.071, the Texas Open Meetings Act Consultation with Attorney - to deliberate pending or contemplated litigation regarding the annexation of the City's ETJ., seconded by the vote was .

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

**Open Session in accordance to Section 551.071, the Texas Open Meetings Act. Deliberation and possible ACTION regarding consultation with Attorney on pending or contemplated litigation regarding the annexation of the City's ETJ.No Action**

made a motion to approve Open Session in accordance to Section 551.071, the Texas Open Meetings Act. Deliberation and possible ACTION regarding consultation with Attorney on pending or contemplated litigation regarding the annexation of the City's ETJ., seconded by the vote was .

K. Adjournment

The meeting was closed at 7:04 PM.

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Presiding Officer of the Council

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Recorder