

# City Council

200 North Brazil

Los Fresnos, TX 78566

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

## Regular Meeting

~ Minutes ~

Tuesday, June 11, 2019

6:00 PM

City Hall

### Agenda

1. Call meeting to order  
Mayor Narvaez called the meeting to order at 6:02 p.m.
2. Invocation and Pledge of Allegiance  
Mr. Milum gave the invocation and led the audience in the pledge of allegiance.

### Consent Agenda

#### **Consideration and ACTION to approve the minutes from May 14 & 21 2019.**Adopted

Motion was made and seconded to approve the minutes from May 14 & 21 2019.

Swain Real made a motion to approve Consideration and ACTION to approve the minutes from May 14 & 21 2019., seconded by James Herrera the vote was [Unanimous].

#### **Consideration and ACTION to approve \$5,000 CDC funding for a firework show for the Independence Day Celebration on July 3, 2019.**Adopted

Motion was made and seconded to approve a \$5,000 CDC funding for a firework show for the Independence Day Celebration on July 3, 2019.

Swain Real made a motion to approve Consideration and ACTION to approve \$5,000 CDC funding for a firework show for the Independence Day Celebration on July 3, 2019., seconded by James Herrera the vote was [Unanimous].

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

Mr. Jesus Garcia introduced himself to the council. Mr. Garcia explained he found out there was an opening for the Community Development Corporation Board and he would like to submit his application for the position. Mr. Garcia gave a brief summary about himself and stated he would like the council to consider him for the position.

Mr. Gerald O. Miller explained that he had been showing up to the council meetings for the last 6-7 months. His reason to attend is to better understand what the city council does and what they are about. He would like to also know about the Community Development Corporation what they do and how their money is spent. Mr. Miller stated he has always been interested in city politics but he had never taken the time like he has now to attend the meetings. He sometimes feels like he is out of place for saying things. Mr. Miller would like to continue to attend the meetings and be a part of them. He does not want to be known as a trouble maker or someone who steps out of place. He was hoping that the council could take more time to explain the items on the agenda.

**Action Items****Consideration and ACTION to approve an amendment to the existing engineering contract with Guzman & Munoz Engineering for the construction of sewer services including design services for sewer project upgrades and work authorization number 2. Adopted**

Mayor Polo Narvaez arrived at 6:12 p.m.

Mr. Milum explained a few years back the council hired Guzman & Munoz Engineering to conduct a study of the city's water and wastewater system. When they completed the study the information was then used to select what to go forward on.

The council had approved \$1.6 million to extend to sewer to the west to FM 1575 and do some manhole improvements. This amendment would be used to condense the over all project to just the \$1.6 million piece of the project and help the city submit it to the Texas Water Development Board for funding.

Council member Juan Munoz asked if on the work study that Guzman & Munoz apparently did on the camera deal what was the outcome.

Jose Munoz with Guzman & Munoz was present. He answered explaining that the planning schematics and engineering design plan required for the existing sewer system be televised. Because the bulk of the city's sewer lines are so old there are a lot of clay lines and infiltration coming through the lines. The purpose of the televising is to determine what portions of the line have that issue and then an assessment is made and determined how to repair that portion of the line or manhole.

Mr. Milum explained that the city then uses that information. Mr. Jose Munoz stated that all of that infiltration runs to the sewer plant which will over work it especially during heavy rains. Mr. Jose Munoz is proposing to go in fix some of the lines once the funds go through.

Council member Munoz asked if he knew more or less which were the lines that are busted where is the area that is most needed.

Mr. Milum stated there were several lines that will be replaced using these funds. The city used the data from the televised pipes to determine which ones were the most critical.

Council member Juan Munoz asked which ones were the most critical in the lift stations.

Mr. Jose Munoz explained they looked at all the areas but at that time he couldn't tell them exactly which ones they were he would need to go back and revisit the plans. He explained that they are trying to extend the construction phase into repairing some of the lines and also extending the sewer to the west and use only a portion of the whole project.

Mr. Milum stated one lift station he remembers specifically is the Cuates lift station. He stated some lines that were listed have already been repaired or replaced. It was very good data and not every one is fortunate to have the camera and be able to tell where the problems lie.

Council member Yolanda Cruz asked if what was left in the original loan will cover.

Mr. Mium and Mr. Jose Munoz explained it is to repackage the plans from all the items that need to be addressed to the limited items approved by the council.

Council member Swain Real asked if the purpose was to get a grant. Mr. Milum answered it would probably be a loan but they would apply for anything they can. The city could possibly qualify for some economic disadvantage funds.

Mayor Narvaez asked what was the approximate cost. Mr. Milum answered that the sewer part was an estimated \$1.6 million.

Mr. Jose Munoz stated they would be going out for funding for a portion of the whole sewer project. Part of the project was to extend sewer to the east but that would be for another day.

Council member Munoz asked if he had any numbers on how much it would cost the city to do the adding on the pipelines. Mr. Jose Munoz answered it was a total of \$1.6 million. Council member Munoz asked if it included everything. Mr. Jose Munoz answered no it was only the portion that is extending sewer on Highway 100 to the west to FM 1575, adding a lift station, on Highway 100 to the west, and rehabing the lines that were discussed.

Mayor Narvaez asked if Guzman & Munoz would be involved in the obtainment of the funds. Mr. Jose Munoz stated yes they were in the process of helping Mr. Milum prepare the application so that they can go after the construction phase funding.

Council member Munoz asked if they planned to cover the sewer plant or were they going to just fix it.

Mr. Milum stated he did not know what he was talking about,

Mr. Jose Munoz explained that the lines are repaired through inside the pipes.

Mr. Milum asked Council member Munoz if that is what he was talking about or was it the sewer plant. He answered he was talking about the sewer lift station on 6th or 7th street. Mr. Milum explained that was a whole other project, the re-locating of a lift station that is located behind a residents home.

Motion was made and seconded to approve an amendment to the existing engineering contract with Guzman & Munoz for the construction of sewer services including design services for sewer project upgrades and work authorization number 2.

James Herrera made a motion to approve Consideration and ACTION to approve an amendment to the existing engineering contract with Guzman & Munoz Engineering for the construction of sewer services including design services for sewer project upgrades and work authorization number 2., seconded by Joe Collinsworth the vote was [Unanimous].

**Consideration and ACTION to approve updating the building permit fees in the city fee schedule.** Adopted

Mr. Milum explained most cities issue permits based on evaluation on what construction costs are. The valuation amount was given by the contractor. There is a clause that says if we feel the value is too much under we can revalue it. The Texas legislature is not allowing that anymore. What cities are doing now is calculating fees based on square foot. Mr. Milum explained the previous fee schedule and the new fee schedule that was provided in the councils packet. He explained how the calculation would work.

Council member Swain Real asked if the fees would be the same as before or higher. Mr. Milum stated it would be fairly close. Cities have done between \$0.25 and \$0.30 a square foot. Council member Real asked if it would be the same with what we are already charging but a different calculation. Mr. Milum answered yes they had done a few scenarios and it comes pretty close to what was already being charged. Council member Real asked about the difference between the shell building and regular commercial. Mr. Milum explained each calculation.

Council member Juan Munoz asked if there was a house that was going to be three hundred feet square how much would it come out to so that he could have an idea. Mr. Milum calculated and answered \$90.00 but a three thousand square foot home would be \$900.00 and for the plans to be reviewed would be half of that.

Mayor Narvaez asked if most cities were charging about \$0.30 a square foot. Mr. Milum answered yes he had seen anywhere from \$0.25 to \$0.30 and he had looked at about 5 to 6 cities.

Council member Real asked if they looked to see if this would cover the cities costs. Mr. Milum answered yes it would put the city back in the range they were before. Mr. Milum expressed he liked it better because it is easier to explain to a customer.

Council member Munoz asked if when Mr. Milum says most cities if he is talking about cities like Los Fresnos or Harlingen. Mr. Milum answered yes. Harlingen approved \$0.25, La Feria approved \$0.29 others did \$0.32.

Mayor Narvaez asked if going to \$0.25 instead of \$0.30 would make a difference. Mr. Milum calculated and explained that in the scenario of a three thousand square foot home, \$0.25 would be \$750.00, \$0.30 would be \$900.00.

Mr. Milum and the council discussed different scenarios.

Council member Real asked if it was calculated on the gross area. Mr. Milum asked Mrs. Moya and she stated it was the gross area.

Mayor Narvaez asked if charging the \$0.25 would bring them closer to what was charged before. Mr. Milum answered \$0.30 does.

The average square foot home for the last 10 homes that were permitted was 250,015 square feet, the average valuation was \$124,000, almost \$125,000. The average permit cost was \$635.00. City Secretary, Jacqueline Moya, explained that was only the permit fee not the review and utility fees. Mr. Milum explained if you calculate that average home at \$0.30 the permit fee would be \$754.00 so it is a little bit over. If you calculate it at \$0.25 the permit fee would be \$628.00 which would be closer and he was good with charging the \$0.25 instead of the \$0.30.

Mr. Milum stated he was good with the \$0.25 instead of the \$0.30 and the shell would be \$0.15.

Mayor Narvaez suggested dropping the fee to \$0.25 the council agreed.

Motion was made and seconded to approve updating the building permit fees in the city fee schedule with the recommended changes for new remodel commercial and residential to \$0.25 a square foot and the shell building and interior finish out to \$0.15 a square foot.

Joe Collinsworth made a motion to approve Consideration and ACTION to approve updating the building permit fees in the city fee schedule., seconded by Juan Munoz the vote was [Unanimous].

**Consideration and ACTION to approve the first reading of Ordinance 501 providing an amendment to Chapter 48, Article III, section 42-52 one-way alleys updating designated one-way alleys in various areas throughout the city of Los Fresnos.**Adopted

Mr. Milum explained that these items came up when they were discussing upgrading the alleys. Some were one way, some were not so he decided to review all of the alleys. He went over each map that was provided to the council in their packet showing the location and direction of each alley. Council member Real asked if the city was going to pave any of the alleys. Mr. Milum answered that's what was approved the last meeting. Some were re-paved and adding the one behind Mario's. Council member Real asked if it was only the ones that were discussed. Mr. Milum answered yes.

Mr. Milum explained there would be signs placed.

Motion was made and seconded to approve the first reading of Ordinance 501 providing an amendment to Chapter 48, Article III, section 42-52 one-way alleys updating designated one-way alleys in various areas throughout the city of Los Fresnos.

James Herrera made a motion to approve Consideration and ACTION to approve the first reading of Ordinance 501 providing an amendment to Chapter 48, Article III, section 42-52 one-way alleys updating designated one-way alleys in various areas throughout the city of Los Fresnos., seconded by Joe Collinsworth the vote was [Unanimous].

**Consideration and ACTION to appoint a person to the Los Fresnos Community Development Corporation Board.**Adopted

Council member James Herrera presented an application from Jesus Garcia.

Motion was made and seconded to appoint Jesus Garcia as a member of the Los Fresnos Community Development Corporation.

James Herrera made a motion to approve Consideration and ACTION to appoint a person to the Los Fresnos Community Development Corporation Board., seconded by Swain Real the vote was [Unanimous].

**Discussion on the Los Fresnos 2019 Trade Area Map.**No Action

Mr. Milum explained this item came up in the last meeting on how the Community Development Corporation operates and in what area. Mr. Milum presented the trade area map to the council. He explained that most trade areas do not look like the Los Fresnos map because of how the school boundaries are set up.

Council member Swain Real asked what the purpose of the designation was. Mr. Milum explained when the city wants to bring in a business we can present the trade area map data. Council member Real stated the trade area has always been hard to explain because it is a lot bigger than the city. Mr. Milum agreed.

Mr. Milum and the council discussed the trade map and the population.

Mayor Narvaez asked if this would be an action item. Mr. Milum stated it was only for information purposes and it is available on the city website.

made a motion to approve Discussion on the Los Fresnos 2019 Trade Area Map., seconded by the vote was .

**Consideration and ACTION to reschedule July 9, 2019 City Council meeting to July 16, 2019.****Adopted**

Mr. Milum explained he would be back for the July 9, 2019 council meeting but he will be out for vacation the week before. It is difficult when he is on vacation to put the agenda together. Council member Swain Real motioned to move the meeting and Council member Yolanda Cruz seconded the motion.

Council member Juan Munoz stated the only problem he had was that on his work schedule they take the second Tuesday of the month if the council moves it back to another day he would have to ask for another day and he is losing \$200 a day. So if he gets another day off its an additional \$200. He could not afford that. Council member Real asked if he could switch he days.

Mr. Milum then asked the council not to move it if Council member Munoz could not switch the 9th to the 16th.

Council member Munoz stated that was just him. Council member Yolanda Cruz commented that the rest of the council could make it to the meeting on the 16th if Council member Munoz couldn't, there could still be a quorum.

Mr. Milum stated if it caused problems for one council member he did not want to move the date. He can go to the local library where he is going on vacation to work on the agenda since there is no internet access. It is difficult but he can make it work. He would rather do that than have it affect Council member Munoz's schedule.

Council member Real stated Mr. Milum is entitled to some time off.

Council Member Joe Collinsworth suggested to Council member Munoz if he could at least just check with his workplace if they could switch his schedule just for this one time.

Council member Munoz stated it was an approval item so it needed to be approved first.

Council member Real stated he had moved and Council member Cruz seconded the meeting be rescheduled to the 16th before any of the comments.

Council member Cruz stated even if Council member Munoz can make the meeting the rest of the council could.

Motion was made and seconded to reschedule the July 9, 2019 meeting to July 16, 2019.

Swain Real made a motion to approve Consideration and ACTION to reschedule July 9, 2019 City Council meeting to July 16, 2019., seconded by Yolanda H. Cruz the vote was [4 to 2].

**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. Underground Canal K. Update Planning & Zoning Ordinance L. Drainage Update****Adopted**

Mr. Milum explained that his report had a lot of explanations on different projects and where they stand. If the council had any questions he could answer them.

Council member Swain Real asked how the new city hall was coming along. Mr. Milum stated was going very good because of the rain days it looked like it would be completed maybe the end of September to the first of October.

Council member James Herrera asked what was the status on the Henderson Road Project. Mr. Milum explained he would visit with the council in closed session. He explained he is getting very close to making agreements but there is one outstanding which is the property that just sold. The residents have not moved in.

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

Polo Narvaez 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. Underground Canal K. Update Planning & Zoning Ordinance L. Drainage Update, seconded by Yolanda H. Cruz the vote was [Unanimous].

**Acknowledgement of Department Head Reports**

Mayor Narvaez asked if there were any questions on the department head reports. There were no questions.

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

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. Recycling****Adopted**

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. Accidents****Adopted**

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 Report**Adopted

Motion was made and seconded to acknowledge the 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 Report**Adopted

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 Report**Adopted

Motion was made and 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 and possible action regarding the following:**

-Deliberation and possible action regarding the following:

**Closed Session -Deliberation pursuant to Sections 551.072, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the purchase, exchange, lease, or value of real property.No Action**

Mayor Polo Narvaez recessed the meeting for closed session at 7:00 p.m.

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

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

Opened Session-Deliberation and possible action regarding the following:

**Open Session - Deliberation pursuant to Sections 551.072, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the purchase, exchange, lease, or value of real property.Adopted**

Mayor Narvaez called the meeting back to order at 7:25 a.m.

Motion was made and seconded to authorize the City Manager Mark Milum to negotiate the purchase of the final 6 properties as indicated in the closed session.



Polo Narvaez made a motion to approve Open Session - Deliberation pursuant to Sections 551.072, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the purchase, exchange, lease, or value of real property., seconded by Yolanda H. Cruz the vote was [Unanimous].

10. Adjournment

Mayor Narvaez closed the meeting at 7:28 p.m.

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Presiding Officer of the Council

\_\_\_\_\_  
Recorder