

City Council

200 North Brazil

Los Fresnos, TX 78566

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

Regular Meeting

~ Minutes ~

Tuesday, June 13, 2017

6:00 PM

City Hall

Agenda

1. Call meeting to order
Mayor Narvaez called the meeting to order at 6:08 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 May 9, 2017 meeting. Adopted

Motion was made and seconded to approve the Minutes from May 9, 2017 meeting as presented.

Juan Munoz made a motion to approve Approval or rejection of Minutes from May 9, 2017 meeting., seconded by Polo Narvaez the vote was [Unanimous].

Approval or rejection to amend 2016/2017 budget for the Police Department. Adopted

Mr. Milum stated that this is to show the increase in the grant revenue from Border Star, which was approved by Council in prior meeting. The grant provides additional traffic patrols on major highways to reduce drug crimes and have more of a presence to deter crime. This is done as overtime for an officer so it goes above and beyond what the City is already doing.

Motion was made and seconded to approve the budget amendment for the Police Department.

Juan Munoz made a motion to approve Approval or rejection to amend 2016/2017 budget for the Police Department., seconded by Swain Real the vote was [Unanimous].

Approval or rejection to approve the renewal of the agreement with The University of Texas Rio Grande Valley for the Stormwater Regional Task Force. Adopted

Mr. Milum explained that the City has been part of this task force for the last 3 years. UTRGV assists us, along with other cities in the region in compliance in Texas Commission on Environmental Quality Phase II Stormwater requirements as well as participation in the Arroyo Colorado Watershed Partnership, the Laguna Madre Estuary Program and other similar type organizations dealing with clean water and protecting our environment. This also opens us up for potential grants. The amount of funds required for us to participate has gone down a little from last year at \$12,127 to \$11,992 this year.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the renewal of the agreement with The University of Texas Rio Grande Valley for the Stormwater Regional Task Force.

Swain Real made a motion to approve Approval or rejection to approve the renewal of the agreement with The University of Texas Rio Grande Valley for the Stormwater Regional Task Force., seconded by Polo Narvaez the vote was [Unanimous].

Approval or rejection to approve a Memorandum of Understanding for the Rails-To-Trails Conservancy and the Lower Rio Grande Valley Active Plan Advisory Committee.Adopted

Mr. Milum explained that the City is partners with other Cameron County Cities in the Lower Rio Grande Valley Active Plan Advisory Committee. The purpose is to develop trails throughout Cameron County connecting all cities. This 3 year agreement to partner with Rails to Trails will help us move along toward realizing that goal. There are no specific funds required with this agreement but as the plans develop and needs are realized they could ask for funds but it would be brought to the Council.

Mr. Milum answered questions from the Council.

Motion was made to approve the Memorandum of Understanding for the Rails-To-Trails Conservancy and the Lower Rio Grande Valley Active Plan Advisory Committee and to appoint Mark Milum and Celina Gonzales to the committee.

Polo Narvaez made a motion to approve Approval or rejection to approve a Memorandum of Understanding for the Rails-To-Trails Conservancy and the Lower Rio Grande Valley Active Plan Advisory Committee., seconded by Juan Munoz the vote was [Unanimous].

Approval or rejection to approve a Resolution approving cooperation with the Cities served by AEP to review AEP Texas Inc.'s requested approval of an adjustment to its Energy Efficiency Cost Recovery Factor; hiring legal and consulting services to negotiate with the Company and direct any necessary litigation and appeals; 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 legal counsel.Adopted

Mr. Milum explained that all cities in the AEP area hires a firm to represent them. The cost is paid through the settlement by AEP.

Motion was made and seconded to approve the Resolution approving cooperation with the Cities served by AEP to review AEP Texas Inc.'s requested approval of an adjustment to its Energy Efficiency Cost Recovery Factor; hiring legal and consulting services to negotiate with the Company and direct any necessary litigation and appeals; 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 legal counsel.

Swain Real made a motion to approve Approval or rejection to approve a Resolution approving cooperation with the Cities served by AEP to review AEP Texas Inc.'s requested approval of an adjustment to its Energy Efficiency Cost Recovery Factor; hiring legal and consulting services to negotiate with the Company and direct any necessary litigation and appeals; 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 legal counsel., seconded by Juan Munoz the vote was [Unanimous].

Approval or rejection to acknowledge the Planning & Zoning Commission's approval of preliminary plats for Feather Ridge Subdivision and Valle Alto East Subdivision, Phase 5.
Adopted

Mr. Milum explained that both Feather Ridge Subdivision and Valle Alto East Subdivision, Phase 5 were approved by the Planning and Zoning Commission, Naismith/Hanson Engineering and the city staff. Feather Ridge Subdivision is located east of the new City Hall property and will consist of 42 single family homes. Valle Alto East Subdivision, Phase 5 is a continuation of the development on the south side of Whipple Road and will consist of 41 single family homes and 40 multi-family unit (20 duplexes). Both subdivisions will present the final plats for approval by the Planning and Zoning Commission in June so the Council can consider approval in July.

Motion was made and seconded to acknowledge the Planning and Zoning Commission's approval of preliminary plats for Feather Ridge Subdivision and Valle Alto East Subdivision, Phase 5. Councilmember Real abstained for voting.

Javier Mendez made a motion to approve Approval or rejection to acknowledge the Planning & Zoning Commission's approval of preliminary plats for Feather Ridge Subdivision and Valle Alto East Subdivision, Phase 5., seconded by Yolanda H. Cruz the vote was [Unanimous].

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

There were no comments from the public.

Action Items

Consideration and ACTION to name the street between the new City Hall and the Rodeo grounds.
Adopted

Mr. Milum explained that progress is being made on the new development by the city hall and the fire department and ambulance service. The City agreed to partner with the fire department, the ambulance service, the rodeo committee and the stock show in trying to get a road constructed hopefully with a grant or the county's assistance. The street needs to be named. The developer has named the street on the east side of the city hall Ocelot Drive. Mr. Milum was given 2 names and he is sure that there are more. One

name is Rodeo Drive for obvious reasons since the rodeo is the single largest event for Los Fresnos and brings many visitors and increased business to our community. The other name is Memorial Drive. Since we will have the Veterans Memorial in front of the City Hall this name fits really well too. Mr. Milum spoke to the developers of Feather Ridge and they were okay with the street being names Memorial Drive.

There was discussion on different names and possibly naming roads after individuals from this community. Mr. Milum suggested we develop a policy before that is done.

Mayor Narvaez suggested that the name be Veterans Memorial Drive.

Motion was made and seconded to name the street on the west side of the new city hall property Rodeo Drive and the street on the east side of the new city hall property Veterans Memorial Drive.

Javier Mendez made a motion to approve Consideration and ACTION to name the street between the new City Hall and the Rodeo grounds., seconded by Bibi Garza the vote was [Unanimous].

Consideration and ACTION to approve an agreement with the Los Fresnos Volunteer Fire Department and the Los Fresnos Ambulance Service on the lease of the current Emergency Services Building.Adopted

Mr. Milum explained that the fire department and ambulance service utilize the building they are presently in under a lease that was originally for 99 years. The agreement has between 70 and 75 years left before it expires. When the building was originally built with grant funds for the exterior and both organizations paid to have it completed in the interior. No one remembers exactly how much was spent that long ago but it was between \$75,000 and \$100,000. The fire department and the ambulance service could continue using the building until their lease expires using the area for storage and for vehicles not utilized as often. They prefer to have everything under one roof at the same location but funds are tight. The City could use the building for a storage facility and garage. We desperately need the room for vehicles and all kinds of storage. Mr. Milum would like for the City to buy out the agreement for \$100,000. The fire department and ambulance service could use the funds for being able to complete their facility and make it large enough for the current needs as well as long into the future. This would continue to show the City's strong commitment to both organizations for the great services they provide the citizens of Los Fresnos. We would budget the funds in the 2017-2018 budget.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the buy out in the amount of \$100,000.

Polo Narvaez made a motion to approve Consideration and ACTION to approve an agreement with the Los Fresnos Volunteer Fire Department and the Los Fresnos Ambulance Service on the lease of the current Emergency Services Building., seconded by Bibi Garza the vote was [Unanimous].

Consideration and ACTION to approve or reject and or all proposals received for engineering on the Henderson Road Project.Adopted

Mr. Milum explained that the rating committee consisted of Mayor Narvaez, Councilmember Cruz, Carlos Salazar and himself. There were six firms that responded to the advertisement for the request for proposals for engineering services for Henderson Road. The firms were rated and they are as follows: 1 Ambiotec Group, 2 Naismith/Hanson, Inc, 3 Guzman & Munoz Engineering & Surveying, 4 Sigler, Winston, Greenwood, SWG Engineering, 5 Halff Associates and 6 SAMES-Sam Engineering & Surveying.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the ranking of engineering firms and to authorize the City Manager to negotiate a contract with a firm.

Javier Mendez made a motion to approve Consideration and ACTION to approve or reject and or all proposals received for engineering on the Henderson Road Project., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to approve or reject any or all bids received for the construction contract for the 2015/2016 Street Improvement Project TxCDBG 7216300
Contract.Adopted

Mr. Milum explained that this project is the 2015/2016 CDBG Grant Project 7216300 with TDA for street improvements which include East Sixth Street from Pita Street to Coma Street and East Ninth Street from South Arroyo Boulevard to Coma Street. There were 8 bids received with M.J.A. Construction, LLC being the low bidder on alternate bid A.1 in the amount \$178,541.78. Since the alternate bid is under budget and is a total reconstruction of the streets the recommendation is to go with M.J.A. Construction LLC instead of the low base bid of \$147,661.50 by G.N.H for partial reconstruction.

Mr. Milum and Ms. Smith answered questions from the Council.

Motion was made and seconded to approve the low bid from M.J.A. Construction LLC in the amount of \$178,541 for the base bid and alternate A.1 bid.

Swain Real made a motion to approve Consideration and ACTION to approve or reject any or all bids received for the construction contract for the 2015/2016 Street Improvement Project TxCDBG 7216300 Contract., seconded by Javier Mendez the vote was [Unanimous].

Consideration and ACTION to approve contract between the City of Los Fresnos and Brown Reynolds Watford Architects for design of New City Hall.Adopted

Mr. Milum explained that when the original contract with BRW was approved we agreed that the price would be between 8% and 12%. Our budget (loan) is \$2,500,000 so the final contract was set based on that. The total is \$265,000 which is 10.60%.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the contract with BRW for design of new City Hall in the amount of \$265,000.

Polo Narvaez made a motion to approve Consideration and ACTION to approve contract between the City of Los Fresnos and Brown Reynolds Watford Architects for design of New City Hall., seconded by Yolanda H. Cruz the vote was [Unanimous].

Consideration and ACTION to approve the first, second and final reading of Ordinance 481 on the sale, use and discharge of fireworks in the City of Los Fresnos.Adopted as Amended

Mr. Milum explained that the ordinance needed to be updated to reflect a permanent structure that stays up all year long and a temporary structure that is brought in only for that particular time and then removed. Since these structures need to be inspected each year or each time they are brought into the City, we included fees of \$500 annually for a permanent structure and \$300 each selling season for a temporary structure. We have to review quite a few things including the site plan, setbacks, distances from other structures, parking, lighting, restroom facilities as well as it being inspected by Code Enforcement, the Fire Marshal and the Building Inspector. Everything else in the ordinance remains the same.

Mayor Narvaez stated that we should put something in the ordinance when the temporary building has to be moved out of the city. This was discussed and the Council felt like 10 days was sufficient time for the building to get moved.

Motion was made and seconded to approved Ordinance 481 on the sale, use and discharge of fireworks and to add building must be removed within 10 days after selling date.

Javier Mendez made a motion to approve Consideration and ACTION to approve the first, second and final reading of Ordinance 481 on the sale, use and discharge of fireworks in the City of Los Fresnos., seconded by Yolanda H. Cruz the vote was [Unanimous].

Consideration and ACTION to approve the first reading of Ordinance 482 fixing the rates to be charged to the consumers of water and sewer services.No Action

Mr. Milum explained that there has been a practice in effect for many years before he got here to not charge for sewer service while a structure was under construction, under remodel, for sale or rent as long as no one was living in the structure. Under these circumstances no one is using the sewer. Our ordinance does not specifically say there should not be a charge in these circumstances so finance will not follow us to continue to follow this practice even with my authorization. It is not fair to contractors to force them to pay for sewer service they will not use while a structure is being constructed or remodeled and it is not fair to owners of property to force them to pay for sewer service they will not use while they are trying to sell or rent the house since no one is living there. He does not see that as being a friendly community wanting houses or businesses to be constructed, rented or sold. He added language to allow for this so it will be clear. The new language says, "There shall be no charge for furnishing sewer service to a structure being constructed, a structure being remodeled, a structure that is for rent or a structure that is for sale as long as it is not inhabited.

Part of the settlement of the East Rio Hondo Water Supply Corporation lawsuit was to remove the language that we would sell water to the Town of Indian Lake. That part has been removed from the ordinance.

Additionally, Pam removed all of the areas of the ordinance where it referenced fees since all of those were changed a year or so ago and put in a fee schedule. No fees were changed.

Ms. Gonzales handed out a paper to the Council were she had estimated the amount of funds that the City is losing by not charging sewer to the contractors and property owners.

This item was discussed in length by Council.

Mayor Narvaez stated to set up a special meeting to discuss this further being very specific on how this would occur and be monitored.

No action was taken.

made a motion to approve Consideration and ACTION to approve the first reading of Ordinance 482 fixing the rates to be charged to the consumers of water and sewer services., seconded by the vote was .

Consideration and ACTION to approve the first reading of Ordinance 483 regulating solid waste services.No Action

Mr. Milum explained that is also has been a practice in effect for many years were not to charge for cart (garbage) service while a structure was under construction, under remodel, for sale or rent as long as no one was living in the structure. The contractor is required to have a roll-off or the contractor hauls the trash himself and if no one is living in the structure while it is up for rent or sale there is no need for a trash cart. It is a needless expense to the contractor or owner and costs the City nothing. Our ordinance does not specifically say there should not be a charge in these circumstance so finance will not allow us to continue to follow this practice even with my authorization. It is not fair to contractors to forcde them eo pay for a cart (garbage service) they will not use while a structure is being constructed or remodeled or a property owner selling or renting a house that is not being lived in thus not producing trash but forcing them to pay for a cart (garbage service). I do not see that as being a friendly community. I have added language to allow for this.

Additionally, Pam removed all of the areas of the ordinance where it referenced fees since all of those were changed a year or so ago and put in the fee schedule. No fees were changed.

Ms. Gonzales stated that the garbage lost is included on the paper she gave them with the sewer.

This was discussed in length by the Council.

Mayor Narvaez stated to also have this on the special meeting being very specific on how this would occur and be monitored..

No action was taken.

made a motion to approve Consideration and ACTION to approve the first reading of Ordinance 483 regulating solid waste services., seconded by the vote was .

Discussion on placing donation items on water bill.No Action

Mr. Milum stated from time to time we are asked the question why is the \$1 donation on the water bill for the fire department and can we add another worthy group. The fire department donation was put on the water bill many years ago to help fund the department when the city only provided the fire department \$4,000 per year which did

not even pay for their fuel bill. The monthly donation amount is between \$950 and \$1,000. With over 1800 customers, that means many have asked that it be removed. The donation is voluntary.

Other groups could be added if the council decided.

TML attorneys recommend that the City be careful with adding more. People could question it if it does not directly benefit all residents of the City. With the fire department is easily covers that. Also it could lead to residents not liking the additions and getting mad at the City and not donating for any.

Since we were not familiar with the donation process, I thought it would be good to only discuss this and if you thought we should consider other options you would have time to consider any and all of them and make a decision.

No action was taken.

made a motion to approve Discussion on placing donation items on water bill., seconded by the vote was .

Consideration and ACTION to support Warriors United in Arms Brownsville Veterans.Adopted

Mr. Milum explained that the Warriors United in Arms is requesting the City's support in their quest to obtain a home base for their organization. They must raise a certain amount of money then Brownsville will donate \$80,000. There is a need for peer to peer counseling especially for those veterans and their families dealing with post-traumatic stress. The Veterans will be provided peer to peer counseling, financial assistance and counseling, medical expenses, groceries, utilities, transportation, assisting with claims. educational classes, information sharing and similar type activities. Mr. Milum prepared an agreement between the City and the the Warriors United in Arms Brownsville Veterans for \$1,000 if Council approved.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the agreement and to pay Veternas \$1,000 for services.

Polo Narvaez made a motion to approve Consideration and ACTION to support Warriors United in Arms Brownsville Veterans., seconded by Yolanda H. Cruz 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. Hazardous Mitigation Plan K. TxDot Light at Walmart L. CBDG 2016-2017 Grant M. Community Park N. Memorial ParkNo Action

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 July. 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 he is doing so we can hopefully get funding through TWBD. They are also looking to see if there is a less expensive way to install a bypass now that will help tremendously. They have been doing some wate testing this week to be able to design the plant to met new requirement and testing that will be in place in the near future.

C. Water & Wastewater Engineering Study - Guzman & Munoz Engineering continues to work on design, surveying, easements on 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.

E. Nature Park - Naismith-Hanson Engineering has the Master Plan complete. Now they will begin working on the specific details so we can convert that to a bid package.

F. Hike & Bike Trails - The easement has been signed. Halff Associates is working on the final design, the timeline and a construction estimate. They will be providing plans so we can get final approval from Cameron County Drainage District #1, Bayview Irrigation District #11 and TxDot.

G. Montes-Castro Park - Final documents are being prepared for bids. We hope to have bids to approve in July or August.

H. TxDot Sidewalk Projects - The sidewalk project is almost complete. They look good.

I. Welcome Sign - The foundation is poured. They will start constructing the blocks and the stone in the next couple of weeks. It's going to happen.

J. Hazardous Mitigation Plan - Revisions have been made that FEMA requested. Waiting for notification of approval. Received word today that plan has been approved.

K. TxDot Light at Walmart - Construction is under way. The lights will be installed and operational in the next month.

L. CDBG 2015-2016 Grant - The construction bids were approved in an earlier agenda item.

M. Community Park - The minor work has been done on the playground equipment to make it safer. The new carpet type pad is installed on the safe fall zone around the playground equipment. The lighting work will begin next week.

N. Memorial Park - The exercise equipment should arrive in the next few weeks to be installed. The lighting work will begin next week.

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

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. Hazardous Mitigation Plan K. TxDot Light at Walmart L. CDBG 2016-2017 Grant M. Community Park N. Memorial Park, seconded by the vote was .

Acknowledgement of Department Head Reports

Finance Report 1. Monthly 2. Year-To-Date Adopted

Motion was made and seconded to acknowledge the finance report.

Polo Narvaez made a motion to approve Finance 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.

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 Yolanda H. Cruz 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.

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.

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.

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 Report.

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 Section 551.074, Title 5 of the Texas
Government Code, the Texas Open Meetings Act regarding the employment of Chief of
Police.No Action**

Mayor Narvaez recessed the meeting for closed session at 8:05 PM.

made a motion to approve Closed Session - To deliberate pursuant to Section 551.074, Title 5 of
the Texas Government Code, the Texas Open Meetings Act regarding the employment of Chief
of Police., seconded by the vote was .

Open Session – Deliberation and possible action regarding the following:

**Open Session - Pursuant to Section 551.074 Deliberation and possible action on the
employment of Chief of Police.Adopted**

Mayor Narvaez called the meeting back to order at 9:20 PM.

Motion was made and seconded to approve Hector Gonzalez as the new Chief of Police for the City of Los Fresnos with a salary of \$63,000 and to reallocate funds to hire a new patrol officer.

Polo Narvaez made a motion to approve Open Session - Pursuant to Section 551.074 Deliberation and possible action on the employment of Chief of Police., seconded by Yolanda H. Cruz the vote was [Unanimous].

10. Adjournment

Mayor Narvaez adjourned the meeting at 9:25 PM.

Presiding Officer of the Council

Recorder