

# City Council

200 North Brazil

## Regular Meeting

Los Fresnos, TX 78566

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

~ Minutes ~

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Tuesday, July 10, 2018

6:00 PM

City Hall

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### Agenda

1. Call meeting to order  
The meeting was called to order by Mayor Narvaez.
2. Invocation and Pledge of Allegiance  
Mark gave the invocation and led the audience in the Pledge of Allegiance.

### Consent Agenda

Mayor Narvaez asked if there were any questions or concerns on the consent agenda. There were not.

Motion was made and seconded to approve the consent agenda as it currently read.

### Consideration and ACTION to approve the minutes from June 12, 2018. Adopted

Motion was made and seconded to approve the minutes from June 12, 2018.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the minutes from June 12, 2018., seconded by Yolanda H. Cruz the vote was [Unanimous].

### Consideration and ACTION to approve the Investment Portfolio Summary Report ended as of June 30, 2018. Adopted

Motion was made and seconded to approve the Investment Portfolio Summary Report ended as of June 30, 2018.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the Investment Portfolio Summary Report ended as of June 30, 2018., seconded by Yolanda H. Cruz the vote was [Unanimous].

### Consideration and ACTION to approve a contract with Cameron County Election Administration to conduct the early voting and election day voting for November 6, 2018 City Election. Adopted

Motion was made and seconded to approve the contract with Cameron County Administration to conduct the early voting for November 6, 2018.

Polo Narvaez made a motion to approve Consideration and ACTION to approve a contract with Cameron County Election Administration to conduct the early voting and election day voting for November 6, 2018 City Election., seconded by Yolanda H. Cruz the vote was [Unanimous].

**Approval or rejection of the Order of Election and Notice of Election for the November 6, 2018 City Election.Adopted**

Motion was made and seconded to approve the Order of Election and Notice of Election for the November 6, 2018 City Election.

Polo Narvaez made a motion to approve Approval or rejection of the Order of Election and Notice of Election for the November 6, 2018 City Election., seconded by Yolanda H. Cruz the vote was [Unanimous].

**Consideration and ACTION to approve Resolution 5-2018 authorizing the City of Los Fresnos to support Cameron County's application for flood protection planning grant assistance to be filed with the Texas Water Development Board.Adopted**

Motion was made and seconded to approve the Resolution 5-2018 authorizing the City of Los Fresnos to support Cameron County's application for flood protection planning grant assistance to be filed with the Texas Water Development Board.

Polo Narvaez made a motion to approve Consideration and ACTION to approve Resolution 5-2018 authorizing the City of Los Fresnos to support Cameron County's application for flood protection planning grant assistance to be filed with the Texas Water Development Board., seconded by Yolanda H. Cruz 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.**

Manuel Abrego Jr. signed up to discuss the issue on flooding. Mr. Abrego stated that he thinks that the public works and police department employees did a great job.

Mr. Abrego wants to know if the city could address a few issues. He walked around town to a few ditches and noticed they were full of grass and trees. He understood they were not the city's responsibility but the city should at least pick up a phone and call Cameron County Drainage #1 because all the canals in town belong to them. Plants are in front of the canal but if you get off and walk down the canal there is a lot of junk. He feels the city needs to address these issues.

Mr. Abrego stated that we pays taxes to Drainage District #1. They have a ton of money and are building a theme park. Instead of using the money to clean our drain ditches the are making a waterfall for the theme park he feels it is ridiculous. Mr. Abrego mentioned that if we know any one with the county, the Drainage District #1 Board is appointed by the commissioners board we need to make some phone and hold those people accountable. He feels we need to bite the bullet and clean out the canals and be prepared for next time.

He thanked the board.

The mayor thanked Mr. Abrego. Mr Narvaez stated the city was concerned about the drainage and it is an issue the city has been working on for many years and there has been improvements. He agreed that the city needed to do more and address a lot of those issues which are usually the same areas that have the problems. Mr. Narvaez stated that the city has been working on them but the bottom line is having the money and doing what we need to do. Mr. Narvaez wanted to make Mr. Abrego aware that the city would be addressing the issue.

### **Public Hearing**

#### **Public hearing to receive comments from the residents concerning an appeal on the Planning and Zoning Commission's denial of a request for a conditional use permit to build a duplex at Lots 1, 2 & 3, Block B, Townsite of Los Fresnos.No Action**

Mayor Narvaez opened the public hearing at 6:15 p.m.

Mr. Milum gave a description of where the property was located on Canal Street.

Abel Garcia stated he had lived in Los Fresnos for basically all of his life. He lived at 320 Canal Street and had recently heard about the public hearing because his sister still lives on Canal Street. Mr. Garcia stated if the city would allow a duplex what's to say that a year or two, maybe five years from now, somebody won't want to set up a hotel in that area. He believes that if that happens the taxes for the people living in the area are going to go up high, and that was his only concern.

Manuel Cruz Jr stated that his residence was right next to the property they were talking about and all of the area there is zoned single family. He thinks it would really impact the quality of life for them because they are adjacent to the property where the duplex has been proposed. He asked the board to deny the request and keep that area zoned single family. One of the concerns they have is that they did not know who is going to live in that building. From his understanding the owner would not be one of them. He asked the board to take the recommendation of the planning and zoning commission not to allow the duplex in that area. He thanked the board.

Manuel Abrego stated he too grew up in the area with Mr. Garcia. Mr. Abrego stated he was there for several reasons. One that he was there to assist Mr. Delgado, the owner of the property, because he didn't know any English and asked Mr. Abrego to help him. Mr. Abrego asked if the council had copies of the duplex. They did. Mr. Abrego stated that Mr. Delgado had been in Los Fresnos as a businessman for 28 years. He builds frame homes on a property on Highway 100. He also stated that Mr. Delgado invested in building warehouses off Arroyo Blvd which he rents out for businesses and is starting a

warehouse on highway 100 near Tapias restaurant. Mr. Abrego explained that Mr. Delgado also purchased two small duplex's in town. He has a son who will take over the business when he retires and plans to move to Los Fresnos.

Mr. Abrego stated the if the council would look at the drawing of the duplex they would see that it is very nice. He was very disappointed with the Planning & Zoning Commission because not a single question was asked and everything was cut and dry. At the time Mr. Abrego did not know Mr. Delgado but the property was owned by his sister and his cousin who lives on 1st Street received the letter so he decided to accompany him to the meeting. Mr. Abrego stated the duplex would be very nice, have a garage, private fence and back patio. Mr. Abrego stated that Mr. Delgado would build a small simple house with no garage, carport, patio or fence and he would then sign the home up for Section 8 Housing if the conditional use permit did not pass.

Mayor Narvaez let the public know that because he allowed Mr. Abrego to speak longer then 3 minutes he was going to give the rest of the public more time to speak.

Manuel Cruz stated that his main concern was that he wasn't sure if Mr. Delgado knew everything Mr. Abrego was saying and maybe that was not what he wanted to portray, since it was stated if this is not approved it seems that he wants to build something substandard and that will bring the community down. Mr. Cruz also mentioned that the city has a board that already looked at the proposal and if the council appointed those members they should trust that they did their job and looked at this project.

Mayor Narvaez closed the meeting at 6:37 p.m.

made a motion to approve Public hearing to receive comments from the residents concerning an appeal on the Planning and Zoning Commission's denial of a request for a conditional use permit to build a duplex at Lots 1, 2 & 3, Block B, Townsite of Los Fresnos., seconded by the vote was

### **Action Items**

### **Consideration and ACTION to appeal the Planning and Zoning Commission's denial of a request for a conditional use permit to build a duplex at Lots 1, 2 & 3, Block B, Townsite of Los Fresnos.** Tabled

Mr. Milum explained where the property was located.

After quite a bit of discussion.

Motion was made and seconded to table the action item.

Juan Munoz made a motion to approve Consideration and ACTION to appeal the Planning and Zoning Commission's denial of a request for a conditional use permit to build a duplex at Lots 1, 2 & 3, Block B, Townsite of Los Fresnos., seconded by Bibi Garza the vote was [Unanimous].

**Consideration and ACTION to approve an Interlocal Agreement to share in the cost of a firearms training simulator.**Adopted

Mr. Milum explained that Chief Gonzalez had been looking into participating with Port Isabel and other entities to purchase a fire arms training simulator. The Los Fresnos Police Department command staff looked at and utilized the system and feel it will be useful training to the police officers. The idea would be to share the cost with the other entities. Mr. Milum stated the total price would be \$28,165.00. Los Fresnos portion would be \$5,633.00. He stated the money was available in the shooting range account and he recommended the council approve the purchase and the following item would be the budget amendment to move the funds.

Council member Munoz asked if the payment would be split in two payments of \$2,816.50. Mr Milum answered no because the money was available to pay it all this year.

Mr. Milum explained the location of the simulator would be determined by the group.

Motion was made and seconded to approve an Interlocal Agreement to share in the cost of a firearms training simulator.

Juan Munoz made a motion to approve Consideration and ACTION to approve an Interlocal Agreement to share in the cost of a firearms training simulator., seconded by Yolanda H. Cruz the vote was [Unanimous].

**Consideration and ACTION to approve a budget amendment for the Police Department to share cost for a firearms training simulator.**Adopted

Mr. Milum explained this was the same as the item before. This budget would show where the funds would be coming from to purchase the firearms training simulator.

Motion was made and seconded to approve a budget amendment for the Police Department to share cost for a firearms training simulator.

Juan Munoz made a motion to approve Consideration and ACTION to approve a budget amendment for the Police Department to share cost for a firearms training simulator., seconded by Bibi Garza the vote was [Unanimous].

**Consideration and ACTION to hire a firm for sales tax compliance review services.**Adopted

Mr. Milum stated that one problem that sometimes we don't know is if people are paying their sales tax. He explained that the city never gets a listing form the State of Texas of who pays a sales tax by month. We never know if business remit their sales tax or not. This firms goes through the state to determine if the business are paying the sales tax and if they find any errors they will fix it. The firms fee would be 35% of what they find. If they find zero we pay nothing.

Council member Munoz stated that this is going to far. The city should not go to the business to make sure they are filing their income tax. He believes that the business are big enough to know that they have to file their income taxes and if they don't its against the law for them not to. Mr. Munoz explained that to him its not right to go to each business and ask if they are paying their taxes and filing their tax returns. Also to be going to each house and asking if they filed an income tax and asking how much they received is just going to far.

Mr. Milum asked the council if he could clarify he was not talking about income tax it was about sales tax and it's only for businesses.

Motion was made and seconded to approve to hire a firm for sales tax review compliance services.

Polo Narvaez made a motion to approve Consideration and ACTION to hire a firm for sales tax compliance review services., seconded by Bibi Garza the vote was [3 to 1].

**Consideration and ACTION to appoint 4 persons to the Los Fresnos Community Development Board.**Adopted

Mr. Milum stated that he spoke to all 4 members which were Donald Henderson, Irene Romero, Enrique Juarez and Robert Lopez and they all wanted to be re-appointed . All four do a great job and regularly attend meetings. Robert Lopez did have an issue for a short period of time with his work but it is cleared up now.

Council member Munoz asked if it was ok for Enrique Juarez to be on the board since he was the city attorney. Mr. Milum answered it was ok because he was not an employee.

Motion was made and seconded to appoint 4 persons to the Los Fresnos Community Development Board.

Yolanda H. Cruz made a motion to approve Consideration and ACTION to appoint 4 persons to the Los Fresnos Community Development Board., seconded by Juan Munoz the vote was [Unanimous].

**Discussion and ACTION on the recent flooding that occurred during the heavy rains in June 2018.**No Action

Mr. Milum handed out a sheet with a list of 22 homes that were had water in their homes during the flooding. Mr. Milum pointed out each home on a map.

Mr. Milum discussed the areas that flooded and gave possible solutions to help prevent future flood damage. He wanted to make sure that everyone understood that streets are used for drainage and some backup in the streets is expected.

Mr. Milum answered questions for the board.

made a motion to approve Discussion and ACTION on the recent flooding that occurred during the heavy rains in June 2018., seconded by the vote was .

### **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. Sports Park M. Dog Park N. Development and Annexation Plans O. Update Planning & Zoning Ordinance P. Economic Development**Adopted

Mayor Narvaez asked the city had completed the nature park. Mr. Milum stated the city was pending the final walk through.

Council member Cruz what kind of survey was going to be done for the underground canal. Mr. Milum explained that the underground canal belongs to Bayview Irrigation District and they were interested in getting a survey done so estimated cost can be done for potential grants. Mrs. Cruz also asked if the canal could help in any way with the flooding. Mr. Milum stated no we could not pump water into the canal because it is an irrigation canal and it does not drain any water.

Motion was made and seconded to acknowledge the city managers 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. Building Inspections K. Underground Canal L. Sports Park M. Dog Park N. Development and Annexation Plans O. Update Planning & Zoning Ordinance P. Economic Development, seconded by Bibi Garza the vote was [Unanimous].

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

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

Council member Munoz asked if the city paid for the fire departments roll-off dumpster as listed in the general fund checklist. Mr. Milum explained that Allied waste will bill us for the roll-off and the city will bill the fire department as it is done for different companies as they are under construction. Mr. Munoz asked about the no smoking and no dumping signs. Mr. Milum explained the no smoking signs were for the parks because people were smoking. The no dumping signs are placed where people are illegally dumping. Mr. Munoz asked about the contract labor. Mr. Milum explained that it was for Regions staffing that provide contract labor for the city as needed. Mr. Munoz asked what the grant writing classes were for. Mr. Milum answered it was for Pablo Garza, the finance director, and two of his staff members.

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 Report, seconded by Juan Munoz 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 Juan Munoz 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 Juan Munoz 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 Juan Munoz the vote was [Unanimous].

**Library Report 1. Monthly Report**Adopted

Motion was made and seconded to approve the Library Report.

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

**EMS Report 1. Quarterly Report**Adopted

Motion was made and seconded to acknowledge the EMS report.

Polo Narvaez made a motion to approve EMS Report 1. Quarterly Report, seconded by Juan Munoz the vote was [Unanimous].

9. Adjournment

The meeting was closed at 8:06 p.m.

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Presiding Officer of the Council

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Recorder