

City Council

520 E Ocean Blvd.

Regular Meeting

Los Fresnos, TX 78566

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

~ Minutes ~

Tuesday, July 13, 2021

6:00 PM

City Hall

Agenda

- A. Call meeting to order

Mayor Alejandro Flores called the meeting to order at 6:00 p.m.

- B. Invocation and Pledge of Allegiance

Mr. Milum gave the invocation and led the audience in the Pledge of Allegiance.

Public Hearing

Public Hearing to receive comments from the public concerning the rezoning of 4.79-acre tract of land from C-2 Highway Commercial District to R-1 Single Family District located east of FM 802 and west of Cameron County Housing Authority on the north side of State Highway 100.No Action

Open at 6:01p.m.

Mayor Flores and Mr. Milum explained the location of the property.

Council member Ray Ortiz pointed out a typo in the wording. It should read FM 803 not FM 802.

Closed at 6:03p.m.

made a motion to approve Public Hearing to receive comments from the public concerning the rezoning of 4.79-acre tract of land from C-2 Highway Commercial District to R-1 Single Family District located east of FM 802 and west of Cameron County Housing Authority on the north side of State Highway 100., seconded by the vote was .

Visitors remarks-To speak you must sign in with the City Secretary prior to the meeting you have a limit of 5 minutes to speak.

Mario Canales, Fernando Gonzalez, Jorge Castro, Ricardo Balli and Justin Shafer spoke in reference to sewer and drainage issues at their residences on FM 1575 and Stanford Road. They claim to all have sewer back up during light or heavy rains. They asked who is responsible for the drainage and what could be done to prevent future issues.

Mayor Flores asked Mr. Milum if he was familiar with the issues and if he could respond. Mr. Milum stated he would wait until the end of the visitors remarks to address the comments.

Manuel Abrego congratulated the city on the new sign at the police station, the July 4 firework display, and how well drainage issue on Alvarez Court had been addressed. He also let the council know that he did not feel it was right for the CDC to sponsor the Commemorative Air Force Show because it was outside city limits of Los Fresnos. Mr. Abego also mention he felt the

city needed a better process when customer call in to report high grass, dead animal, and pot holes. He reported alley to be fixed and still hasn't been fixed.

Geoffrey Keillor introduced himself and expressed his interest in becoming a member of the Los Fresnos Community Development Corporation.

Mr. Milum addressed the comments made by the residents on FM 1575 and Stanford Road.

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 Flores asked if there were any comments or questions on the consent agenda.

Council member James Herrera and Andres Lopez requested item 8 be pulled for further discussion.

Consideration and ACTION to approve the minutes from June 8, 2021 & June 24, 2021.Adopted

Motion was made and seconded to approve minutes from June 8, 2021 and June 24, 2021.

Alejandro Flores made a motion to approve Consideration and ACTION to approve the minutes from June 8, 2021 & June 24, 2021., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to approve the second reading of Ordinance 523 proposing amendments to the Home-Rule Charter of the city of Los Fresnos and ordering that the proposed amendments be submitted to the qualified voters at a regular election.Adopted

Motion was made and seconded to approve second reading of Ordinance 523 proposing amendments to the Home-Rule Charter of the city of Los Fresnos and ordering that the proposed amendments be submitted to the qualified voters at a regular election.

Alejandro Flores made a motion to approve Consideration and ACTION to approve the second reading of Ordinance 523 proposing amendments to the Home-Rule Charter of the city of Los Fresnos and ordering that the proposed amendments be submitted to the qualified voters at a regular election., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to approve the Order of Election and Notice of Election for the November 2, 2021 City Election and authorize the City Secretary to make any necessary changes in locations, days, dates, and times that may be ordered by the Governor or the Cameron County Elections Office.Adopted

Motion was made and seconded to approve the Order of Election and Notice of Election for the November 2, 2021 City Election and authorize the City Secretary to make any

necessary changes in locations, days, dates and times that may be ordered by the Governor or the Cameron County Elections Office.

Alejandro Flores made a motion to approve Consideration and ACTION to approve the Order of Election and Notice of Election for the November 2, 2021 City Election and authorize the City Secretary to make any necessary changes in locations, days, dates, and times that may be ordered by the Governor or the Cameron County Elections Office., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to approve the Order of Special Election and Notice of Special Election for the November 2, 2021, Charter Amendment Special Election and authorize the City Secretary to make any necessary changes in locations, days, dates, and times that may be ordered by the Governor or the Cameron County Elections Office.Adopted

Motion was made and seconded to approve the Order of Special Election and Notice of Special Election and Notice of Special election for the November 2, 2021, Charter Amendment Special Election and authorize the City Secretary to make any necessary changes in locations, days, dates and times that may be ordered by the Governor or the Cameron County Elections Office.

Alejandro Flores made a motion to approve Consideration and ACTION to approve the Order of Special Election and Notice of Special Election for the November 2, 2021, Charter Amendment Special Election and authorize the City Secretary to make any necessary changes in locations, days, dates, and times that may be ordered by the Governor or the Cameron County Elections Office., seconded by Polo Narvaez 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 2, 2021 City Election.Adopted

Motion was made and seconded to approve a contract with Cameron County Election Administration to conduct the early voting and election day voting for November 2, 2021 City Election.

Alejandro Flores 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 2, 2021 City Election., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to approve Change Order No. 4 for the Wastewater Treatment Plant Chlorine Basin and Chemical Feed System Improvements.Adopted

Motion was made and seconded to approve Change Order No. 4 for the Wastewater Treatment Plant Chlorine Basin and Chemical Feed System Improvements.

Alejandro Flores made a motion to approve Consideration and ACTION to approve Change Order No. 4 for the Wastewater Treatment Plant Chlorine Basin and Chemical Feed System Improvements., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to approve a Interlocal agreement and License Agreement between Cameron County Irrigation District Number 10, Bayview Irrigation District Number 11, and the City of Los Fresnos.Adopted

Motion was made and seconded to approve a Interlocal agreement and License Agreement between Cameron County Irrigation District Number 10, Bayview Irrigation District Number 11, and the City of Los Fresnos.

Alejandro Flores made a motion to approve Consideration and ACTION to approve a Interlocal agreement and License Agreement between Cameron County Irrigation District Number 10, Bayview Irrigation District Number 11, and the City of Los Fresnos., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to approve a Service Agreement with the Commemorative Air Force Airshow (RGV) as approved by the CDC Board.Adopted as Amended

Council member Andres Lopez stated he read the information in the packet and there is only mention of the \$5,000 not the increase to \$7,500. He did not have a problem with helping fund but what guarantee did the city have that Los Fresnos vendors would be used as stated in the sponsorship proposal.

Council member Herrera commented that information provided in the sponsorship proposal by the CAF was not true. Airshow attendees from the upper Valley will not be driving on Hwy 100 through Los Fresnos because attendees will not know where the event is located so they will Google it. The directions given on Google does not route the attendees through Los Fresnos.

Mr. Milum explained representatives from the CAF should have been present but he did not know why they did not show up. He explained the CDC had a discussion on the sponsorship and it was recommended by Board member Tom Jones to increase the amount to \$7,500.

Mr. Milum and the council discussed the service agreement.

Council member Andres Lopez asked if the item could be returned with the correct wording. Mayor Flores explained the motion had already been made and seconded.

Mr. Milum explained the wording was correct. The councils action was to approve or not the service agreement as approved by the CDC board. The CDC board approved on Monday (the day before this meeting) to fund \$7,500 instead of \$5,000 as was asked for by CAF. The comments were just for there reference.

Motion was made and seconded not to approve a Service Agreement with the Commemorative Air Force Airshow (RGV) as approved by the CDC Board.

Juan Munoz made a motion to approve Consideration and ACTION to approve a Service Agreement with the Commemorative Air Force Airshow (RGV) as approved by the CDC Board., seconded by James Herrera the vote was [4 to 2].

Consideration and ACTION to approve the second reading of Ordinance 524 to annex territory of to the City of Los Fresnos and extending the boundary limits of said City.Adopted as Amended

Motion was made and seconded to approve second reading of Ordinance 524 to annex territory of to the City of Los Fresnos and extending the boundary limits of said City.

Alejandro Flores made a motion to approve Consideration and ACTION to approve the second reading of Ordinance 524 to annex territory of to the City of Los Fresnos and extending the boundary limits of said City., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to approve as MOU Authorizing the US Customs and Border Protection, Port of Brownsville to utilize the City of Los Fresnos Police Department's Firing Range.Adopted

Motion was made and seconded to approve MOU Authorizing the US Customs and Border Protection, Port of Brownsville to utilize the City of Los Fresnos Police Department's Firing Range.

Alejandro Flores made a motion to approve Consideration and ACTION to approve as MOU Authorizing the US Customs and Border Protection, Port of Brownsville to utilize the City of Los Fresnos Police Department's Firing Range., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to approve Ordinance 526 approving a negotiated resolution between the City of Los Fresnos and Texas Gas Service (“TGS” or “the company”) regarding the company’s April 29, 2021 cost of service adjustment (“COSA”) filing; declaring existing rates to be unreasonable; adopting new tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City of Los Fresnos and RGS’ reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance and requiring delivery of this ordinance to the company’s and the city’s legal counsel.Adopted

Motion was made and seconded to approve Ordinance 526 approving a negotiated resolution between the City of Los Fresnos and Texas Gas Service (“TGS” or “the company”) regarding the company’s April 29, 2021 cost of service adjustment (“COSA”) filing; declaring existing rates to be unreasonable; adopting new tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City of Los Fresnos and RGS’ reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; declaring an effective date; repealing any prior

ordinances inconsistent with this ordinance and requiring delivery of this ordinance to the company's and the city's legal counsel.

Alejandro Flores made a motion to approve Consideration and ACTION to approve Ordinance 526 approving a negotiated resolution between the City of Los Fresnos and Texas Gas Service ("TGS" or "the company") regarding the company's April 29, 2021 cost of service adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting new tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City of Los Fresnos and RGS' reasonable and necessary rate case expenses; adopting a savings clause; determining that this ordinance was passed in accordance with the requirements of the Texas open meetings act; declaring an effective date; repealing any prior ordinances inconsistent with this ordinance and requiring delivery of this ordinance to the company's and the city's legal counsel., seconded by Polo Narvaez the vote was [Unanimous].

Action Items

Consideration and ACTION to approve the first reading of Ordinance 525 to rezone 4.79-acre tract of land from C-2 Highway Commercial District to R-1 Single Family District located east of FM 802 and west of Cameron County Housing Authority on the north side of State Highway 100.Adopted

Mayor Flores asked if there were any questions or comments on the action item.

There were none.

Motion was made and seconded to approve the first reading of the first reading of Ordinance 525 to rezone 4.79-acre tract of land from C-2 Highway Commercial District to R-1 Single Family District located east of FM 803 and west of Cameron County Housing Authority on the north side of State Highway 100.

Andres Lopez made a motion to approve Consideration and ACTION to approve the first reading of Ordinance 525 to rezone 4.79-acre tract of land from C-2 Highway Commercial District to R-1 Single Family District located east of FM 802 and west of Cameron County Housing Authority on the north side of State Highway 100., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to approve payment in lieu of land for park dedication for The Villas & Valle Alto Phase 5 Subdivisions.Adopted

Council member Polo Narvaez asked how many acres it was. Mr. Milum answered 64.342 and explained where the property was located.

Motion was made and seconded to approve payment in lieu of land for park dedication for the Villas & Valle Alto Phase 5 Subdivisions.

Polo Narvaez made a motion to approve Consideration and ACTION to approve payment in lieu of land for park dedication for The Villas & Valle Alto Phase 5 Subdivisions., seconded by Andres Lopez the vote was [Unanimous].

Consideration and ACTION to approve Change Order #1 for the Hike and Bike Trail Project.Adopted

Motion was made and seconded to approve Change Order #1 for the Hike and Bike Trail Project.

Andres Lopez made a motion to approve Consideration and ACTION to approve Change Order #1 for the Hike and Bike Trail Project., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to approve an Interlocal Agreement between the City of Brownsville and the City of Los Fresnos regarding Trail Improvements.Adopted

Council member Juan Munoz asked if the amount of \$130,00 was just for the construction. Mr. Milum answered yes.

Motion was made and seconded to approve an Interlocal Agreement between the City of Brownsville and the City of Los Fresnos regarding trail Improvements.

Polo Narvaez made a motion to approve Consideration and ACTION to approve an Interlocal Agreement between the City of Brownsville and the City of Los Fresnos regarding Trail Improvements., seconded by Andres Lopez the vote was [Unanimous].

Consideration and ACTION to update the Visitor Remarks Public Participation Form and policy.Adopted

Mayor Flores asked if there were any questions or comments on the action item.

There were none.

Motion was made and seconded to update the Visitor Remarks Public Participation Form and policy.

Polo Narvaez made a motion to approve Consideration and ACTION to update the Visitor Remarks Public Participation Form and policy., seconded by Andres Lopez the vote was [Unanimous].

Consideration and ACTION to appoint a person to the Community Development Corporation.Adopted

Motion was made and seconded to appoint Mr. Geoffrey Keillor to Community Development Corporation.

James Herrera made a motion to approve Consideration and ACTION to appoint a person to the Community Development Corporation., seconded by Ray Ortiz the vote was [4 to 2].

Consideration and ACTION to set a date and time for dedication of the Enrique Carrisalez Public Safety Building.Adopted

Mayor Flores asked if there was a proposed date and time for the ceremony.

Mr. Milum explained the family had been contact and suggested July 29, 30, or 31.

Council member James Herrera suggested the ceremony be simple and short to avoid having the audience leave.

Mr. Milum and the Council discussed possible date and time.

Motion was made and seconded to set July 30, 2021 at 8:30 a.m. for dedication of the Enrique Carrisalez Public Safety Building.

Juan Munoz made a motion to approve Consideration and ACTION to set a date and time for dedication of the Enrique Carrisalez Public Safety Building., seconded by Polo Narvaez the vote was [Unanimous].

Presentation

Introductory presentation by Kending Keast Collaborative on the Los Fresnos UDC Project Schedule.No Action

Mr. Milum explained the service that the Kending Keast would provide for the city and how the project was funded.

Steve Sizemore with Kendig Keast connected remotely but was unable to get a clear sound. Mr. Milum and the council members suggested he send a representative in person or come back at the next meeting.

Mr. Seizemore disconnected.

made a motion to approve Introductory presentation by Kending Keast Collaborative on the Los Fresnos UDC Project Schedule., seconded by the vote was .

Acknowledgement of City Manager's Report

Mayor Flores asked if there were any questions comments or discussion on the City Manager's report.

There was none.

City Manager Report A. Wastewater Update B. Water Update C. Nature Park D. Hike & Bike Trails E. Henderson Road Project F. Drainage Update G. Whipple Road H. CDBG 9th Street Lift Station Relocation I. COVID-19 J. TxDot Highway 100 Project K. Pallet Company L. Boys & Girls Club Quarterly ReportAdopted

Motion was made and seconded to accept and acknowledge City Manager Report.

Andres Lopez made a motion to approve City Manager Report A. Wastewater Update B. Water Update C. Nature Park D. Hike & Bike Trails E. Henderson Road Project F. Drainage Update G. Whipple Road H. CDBG 9th Street Lift Station Relocation I. COVID-19 J. TxDot Highway 100 Project K. Pallet Company L. Boys & Girls Club Quarterly Report, seconded by Ray Ortiz the vote was [Unanimous].

Acknowledgement of Department Head Reports

Mayor Flores asked if there were any questions comments or discussion on the Department Head reports.

There was none.

Financial Report 1. Monthly 2. Year to Date 3. Sales TaxAdopted

Motion was made and seconded to accept and acknowledge Financial Report

Ray Ortiz made a motion to approve Financial Report 1. Monthly 2. Year to Date 3. Sales Tax, seconded by James Herrera 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
ReportAdopted

Motion was made and seconded to accept and acknowledge Public Works Report

Ray Ortiz 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 James Herrera the vote was [Unanimous].

Police Department 1. Arrests 2. Incidents 3. AccidentsAdopted

Motion was made and seconded to accept and acknowledge Police department .

Ray Ortiz made a motion to approve Police Department 1. Arrests 2. Incidents 3. Accidents, seconded by James Herrera the vote was [Unanimous].

Municipal Court 1. Monthly ReportAdopted

Motion was made and seconded to accept and acknowledge Municipal Court.

Ray Ortiz made a motion to approve Municipal Court 1. Monthly Report, seconded by James Herrera the vote was [Unanimous].

Library Report 1. Monthly ReportAdopted

Motion was made and seconded to accept and acknowledge Library report.

Ray Ortiz made a motion to approve Library Report 1. Monthly Report, seconded by James Herrera the vote was [Unanimous].

Fire Marshal's Report 1. Monthly ReportAdopted

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

Ray Ortiz made a motion to approve Fire Marshal's Report 1. Monthly Report, seconded by James Herrera the vote was [Unanimous].

J. Adjournment

Mayor Flores adjourned the meeting at 7:15 p.m.

Presiding Officer of the Council

Recorder