

# City Council

200 North Brazil

Los Fresnos, TX 78566

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

## Regular Meeting

~ Minutes ~

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Tuesday, August 8, 2017

6:00 PM

City Hall

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### Agenda

1. Call meeting to order  
Mayor Narvaez called meeting to order at 6:01 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 July 11, 2017 meeting. Adopted

Motion was made and seconded to approve the Minutes from July 11, 2017 as presented.  
Juan Munoz made a motion to approve Approval or rejection of Minutes from July 11, 2017 meeting., seconded by Bibi Garza the vote was [Unanimous].

#### Approval or rejection to approve the State Plan of Operations (1033 Program) between City of Los Fresnos Police Department and State of Texas. Adopted

Motion was made and seconded to approve the State Plan of Operations (1033) between City of Los Fresnos Police Department and State of Texas.  
Juan Munoz made a motion to approve Approval or rejection to approve the State Plan of Operations (1033 Program) between City of Los Fresnos Police Department and State of Texas., seconded by Bibi Garza the vote was [Unanimous].

#### Approval or rejection to acknowledge expenditures by Los Fresnos Community Development for street lights on West Highway 100 and FM 803 and electrical services for Community Park for baseball and softball fields. Adopted

Mr. Milum explained that the CDC had approved the funding for the street lights on Hwy 100 and FM 803 and to fund the electrical services upgrades at Community Park for the baseball and softball fields. The electrical services is to replace the old electrical services boxes and wires from many years ago.

Mr. Milum answered questions from the Council.

Motion was made and seconded to acknowledge the expenditures by Los Fresnos Community Development for street lights on West Highway 100 and FM 803 and electrical services for Community Park for baseball and softball fields.

Javier Mendez made a motion to approve Approval or rejection to acknowledge expenditures by Los Fresnos Community Development for street lights on West Highway 100 and FM 803 and electrical services for Community Park for baseball and softball fields., seconded by Juan Munoz the vote was [Unanimous].

**Consideration and ACTION to approve the second and final reading amending Ordinance 482 regulating water and sewer.**Adopted

Mr. Milum stated that the ordinance documents were changed as discussed at the August 1 workshop. Also, in the agenda packet were copies of the ordinance that is on the website through MuniCode.

Mr. Milum answered questions from the Council.

Councilman Munoz felt the ordinance should remain the same.

Councilwoman Cruz felt the exceptions should remain and not be taken out.

Councilman Munoz made a motion to not approve the ordinance, it died due to no second.

Motion was made and seconded to approve the amended ordinance as presented.

Javier Mendez made a motion to approve Consideration and ACTION to approve the second and final reading amending Ordinance 482 regulating water and sewer., seconded by Polo Narvaez the vote was [3 to 2].

**Consideration and ACTION to approve the second and final reading amending Ordinance 483 regulating solid waste services.**Adopted

Mr. Milum stated that the ordinance document was changed as discussed at the workshop on August 1. Also, given in the Council packet was a copy of the Code of Ordinance that is on the website through MuniCode.

Mr. Milum answered questions from the Council.

Councilman Munoz felt the ordinance should remain the same.

Councilwoman Cruz felt the exceptions should remain and not be taken out.

Motion was made and seconded to approve the amended ordinance.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the second and final reading amending Ordinance 483 regulating solid waste services., seconded by Javier Mendez the vote was [3 to 2].

**Consideration and ACTION to approve writing off bad debt for fiscal year 2015/2016.**Adopted

Motion was made and seconded to approve writing off bad debt for fiscal year 2015/2016 as presented.

Juan Munoz made a motion to approve Consideration and ACTION to approve writing off bad debt for fiscal year 2015/2016., seconded by Bibi Garza 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.**

Mr. James Keillor stated that the exceptions that were taken out of the water and sewer ordinance and the solid waste ordinance is not fair to the contractors. The City should treat contractors fairly. He also commented that the item on the agenda to pay the council is wrong. It use to be that the Council received \$10 per regular meeting but most of the Council then donated the money to EMS or Library. When City Hall was being built he donated all the drawings and worked with the contractor.

Mr. Keillor stated that 15 years ago the City was in the red and since Mr. Milum has been here the City has always been in the black. Mr. Milum has done a terrific job for the City. Mr. Juarez the City Attorney has also done a good job for the City.

Mr. Manuel Abrego stated that this is an awesome City and we should all be proud of it. Mr. Abrego also stated that Mr. Juarez and Mr. Milum have done an outstanding job for the City.

**Action Items**

**Consideration and ACTION to approve contract with Ambiotec Group for engineering and surveying on Henderson Road Resaca Crossings.**Adopted

Mr. Milum stated that the proposal from Ambiotec Engineering for services on the Henderson Road Resaca crossing project is for \$921,720 but this total does not include the contingency or additional work that will be needed. We are trying to increase the right-of-way by 10 feet on each side and since water is involved there will be permits that we will need.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve contract with Ambiotec Group for engineering and surveying on Henderson Road Resaca crossings.

Javier Mendez made a motion to approve Consideration and ACTION to approve contract with Ambiotec Group for engineering and surveying on Henderson Road Resaca Crossings., seconded by Juan Munoz the vote was [Unanimous].

**Consideration and ACTION to approve or reject any or all bids received for the construction of Montes-Castro Park.**Adopted

Mr. Milum stated that there were 4 bids received and Holmont, LLC was the low bidder at \$160,179.23. The City agreed to any amount over the \$75,000 TPW grant and the \$75,000 matching funds from the CDC which would be \$10,179.23. Since the additive bid a.1 for the sprinkler system is over 2 times the engineer's estimate the recommendation is to not accept that. If we want to put in a sprinkler system we can bid that our separately from the project. The CDC approve the low bid from Holmont, LLC at their meeting on Monday.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the low bid from Holmont, LLC in the amount of \$160,179.23.

Javier Mendez made a motion to approve Consideration and ACTION to approve or reject any or all bids received for the construction of Montes-Castro Park., seconded by Polo Narvaez the vote was [Unanimous].

**Consideration and ACTION to approve moving forward with engineers bidding and construction of wastewater services on Whipple Road.**Adopted

Mr. Milum stated that Naismith/Hanson Engineering has completed the study to determine the best way to provide sewer services to the residents along Whipple Road on the north side between the water tower and FM 1847. The total estimated cost of construction is \$105,750. We have \$100,435 available in funds from the 2014 Certificates of Obligations. If the prices are estimated correctly we would have to add \$5,315 from the Utility Fund. When the City annexed the property the we have 4 1/2 years to furnish sewer to the residents. The engineer needs approval to complete the bidding documents, get bids and bring the amounts back to the Council for approval.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve moving forward with engineers bidding and construction of wastewater services on Whipple Road.

Polo Narvaez made a motion to approve Consideration and ACTION to approve moving forward with engineers bidding and construction of wastewater services on Whipple Road., seconded by Yolanda H. Cruz the vote was [Unanimous].

**Consideration and ACTION to employ a person as Emergency Management Coordinator for the City of Los Fresnos.**Adopted

Mr. Milum explained that James Harris has been the Emergency Management Coordinator for quite a while. Upon his retirement as Police Chief, we agreed to continue to employee him on a part time basis until the new Police Chief was hired and gets settled into the position. Hector and him discussed this and he would like to concentrate on being the Police Chief and not handle the Emergency Management. We also discussed appointing someone within the Police Department. Mr. Milum stated he would like to appoint Charlie Banda as the Emergency Management Coordinator with a stipend of \$2,400. That is the same amount James Harris was receiving.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the appointment of Charlie Banda as the Emergency Management Coordinator with a stipend of \$2,400 per year.

Polo Narvaez made a motion to approve Consideration and ACTION to employ a person as Emergency Management Coordinator for the City of Los Fresnos., seconded by Yolanda H. Cruz the vote was [Unanimous].

**Consideration and ACTION to acknowledge Cameron Appraisal District Chief Appraiser's certification of the 2017 tax roll.**Adopted

Mr. Milum explained that the net taxable value for 2017 is \$252,976,876, an increase of \$47,726,377. There is a property under protest for \$94,652 dealing with commercial personal property. There are 511 new properties added this year due to annexation and the land exchange with Brownsville with a value of \$38,610,469. The amount of the increased values of existing properties is \$9,115,908.

Mr. Milum answered questions from the Council.

Motion was made and seconded to acknowledge Cameron Appraisal District Chief Appraiser's certification of the 2017 tax roll.

Polo Narvaez made a motion to approve Consideration and ACTION to acknowledge Cameron Appraisal District Chief Appraiser's certification of the 2017 tax roll., seconded by Javier Mendez the vote was [Unanimous].

**Consideration and ACTION to acknowledge the Finance Director's certification of the estimated ad valorem tax collection rate for 2016 and the excess debt tax collections for 2016 tax year.**Adopted

Mr. Milum stated that the estimated ad valorem tax collection rate for tax year 2016 is in excess of 100%. This is due to prior year debt collections.

The estimated debt collection for 2016 is \$174,376 with \$2,657 in excess debt tax collection. The estimated excess fund balance for the debt fund is \$56,660.

Javier Mendez made a motion to approve Consideration and ACTION to acknowledge the Finance Director's certification of the estimated ad valorem tax collection rate for 2016 and the excess debt tax collections for 2016 tax year., seconded by Juan Munoz the vote was [Unanimous].

**Consideration and ACTION to acknowledge the calculations of the City's Effective and Rollback Ad Valorem Tax Rate for tax year 2017 and for fiscal year 2017/2018.**Adopted

Mr. Milum stated the effective ad valorem tax rate would impose the same total taxes as last year if you compare properties taxed in both years. The effective ad valorem tax rate is \$0.729089 per \$100 valuation. This means that to get the same revenue as last year the tax rate would be \$0.729089 per \$100 valuation instead of our actual rate of \$0.715 per \$100 valuation.

The rollback ad valorem tax rate is the highest tax rate the City could have before taxpayers would be able to start rollback procedures. The rollback ad valorem tax rate is \$1.509095 per \$100 valuation.

Mr. Milum answered questions from the Council.

Motion was made and seconded to acknowledge the calculations of the City's Effective and Rollback Ad Valorem Tax Rate for tax year 2017 and for fiscal year 2017/2018.

Javier Mendez made a motion to approve Consideration and ACTION to acknowledge the calculations of the City's Effective and Rollback Ad Valorem Tax Rate for tax year 2017 and for fiscal year 2017/2018., seconded by Bibi Garza the vote was [Unanimous].

**Consideration and ACTION to propose a tax rate for tax year 2017, take a record vote, if proposed tax rate exceeds the lower of the effective rate or rollback rate, and set dates for public hearings, if necessary.**Adopted

Mr. Milum explained the proposed 2017/2018 fiscal year budget will keep the ad valorem tax rate as \$0.715 per \$100 valuation just as it has been for the last 10 years. This will be the 11th year in a row the ad valorem tax rate is at \$0.715 per \$100 valuation. The

effective ad valorem tax rate for 2017/2018 is \$0.729089 per \$100 valuation. Leaving the tax rate at \$0.715 per @100 valuation means we will receive less in revenue in the new budget than we currently are getting when comparing the same properties. Since we are leaving the ad valorem tax rate at \$0.715 per \$100 valuation, we will not need to hold 2 public hearings as we will receive less revenue than last year when you compare the same properties. The amount received will be approximately \$35,642 less than last year.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the proposed tax rate for 2017 at \$0.715.

Javier Mendez made a motion to approve Consideration and ACTION to propose a tax rate for tax year 2017, take a record vote, if proposed tax rate exceeds the lower of the effective rate or rollback rate, and set dates for public hearings, if necessary., seconded by Juan Munoz the vote was [Unanimous].

**Consideration and ACTION to appoint a person to the Los Fresnos Housing Authority.**  
**Adopted**

Mr. Milum explained that due to the death of David Winstead, a new member is needed. His term expires October 2017 so a person will need to be appointed for August and September and then the regular 2 year term until October 2019.

Mr. Eliseo Ruiz has stated due to him being out of town and missing meetings that someone needs to replace him. His term expires in October of 2018. Attached is a volunteer that is willing to serve the rest of this term. His name is Alejandro Juarez.

Motion was made and seconded to approve Alejandro Juarez to serve in the unexpired term on the Housing Authority Board.

Polo Narvaez made a motion to approve Consideration and ACTION to appoint a person to the Los Fresnos Housing Authority., seconded by Juan Munoz the vote was [Unanimous].

**Consideration and ACTION to approve the exterior view of the new city hall.**  
**Adopted**

Mr. Milum showed the Council pictures of the city hall when we first started the process. The architect has stated that we could save money if we changed out the windows and with the police department not being built at this time the look is off. They have redesigned with rectangle windows and putting in a third component being like a bell tower.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the latest design of the new city hall.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the exterior view of the new city hall., seconded by Yolanda H. Cruz the vote was [Unanimous].

**Consideration and ACTION to approve paying the Councilmember's \$100.00 per regular meeting and special meeting and to pay the Mayor \$200.00 per regular meeting and special meeting. (By Councilman Juan Munoz)Defeated**

Councilmember Munoz stated that he had put this item on the agenda. He know the Council use to be paid \$10 per meeting then when the City had hard times the Council decided not to get paid. Now that the City is in good financial standing he thought he would bring up the subject of paying Council.

Several members of the Council stated that they did not want to get paid that they are there to serve the citizens of Los Fresnos and they new when they were elected that there was no pay.

Motion was made and seconded to deny the paying of the Councilmember's \$100 per regular and special meetings and to pay the Mayor \$200 per regular and special meeting.

Polo Narvaez made a motion to approve Consideration and ACTION to approve paying the Councilmember's \$100.00 per regular meeting and special meeting and to pay the Mayor \$200.00 per regular meeting and special meeting. (By Councilman Juan Munoz), seconded by Yolanda H. Cruz the vote was [4 to 1].

**Consideration and ACTION to approve going out for Request for Qualifications for City Attorney who specializes in Municipal work and City Council will review all RFQ's and select attorney. (By Councilman Juan Munoz)Defeated**

Councilmember Munoz stated that the City Manager had not brought up a contract for City Attorney and the contract had expired in 2011. The City needs a City Attorney and the City has been without a City Attorney since 2011.

Motion was made and seconded to deny going out for RFQ's for City Attorney.

Polo Narvaez made a motion to approve Consideration and ACTION to approve going out for Request for Qualifications for City Attorney who specializes in Municipal work and City Council will review all RFQ's and select attorney. (By Councilman Juan Munoz), seconded by Yolanda H. Cruz the vote was [4 to 1].

**Consideration and ACTION to extend the 2011 contract for City Attorney with Enrique Juarez. (By Polo Narvaez)Adopted**

Mr. Milum stated that the City Attorney contract had expired in 2011. Mr. Juarez had agreed to serve as City Attorney at no cost to see if it would work then he would start charging for services. The contract just slipped everyone's mind.

This was discussed and there were changes that the Council would like made to the contract being adding City Council could consult with him and department heads need to get approval from City Manager to consult with City Attorney.

Motion was made and seconded to approve a one year contract with changes for Mr. Enrique Juarez to be the City Attorney expiring September 30, 2018.

Polo Narvaez made a motion to approve Consideration and ACTION to extend the 2011 contract for City Attorney with Enrique Juarez. (By Polo Narvaez), seconded by Yolanda H. Cruz the vote was [4 to 1].

### **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. TxDot Light at Walmart K. CDBG 2016-2017 Grant L. Memorial Park** Adopted

A. Wastewater Plant Upgrade - We are working to get bid documents ready to begin advertising for the chlorine contact basin and the sludge drying beds. Hopefully we can bid this soon. 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.

B. Water Plant Update - Guzman and 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 TWDB.

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

D. Whipple Road Wastewater Extension - I was on the agenda earlier and approved to move forward.

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

F. Hike & Bike Trails - 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. We also were awarded \$200,000 trails grant through TPW so we will have \$700,000 to work with. However, this will cause a delay since additional environmental clearance will have to be done according to TPW regulations.

G. Montes-Castro Park - Bids were approved in an earlier agenda item.

H. TxDot Sidewalk Projects - The sidewalk project is almost complete except 2 location that need final approval from TxDot. Once the approval is given the work will be completed including a repair of a sidewalk for a business that was damaged during the work.

I. Welcome Sign - The foundation is poured and the blocks are built. We are waiting for the stone to arrive, hopefully in the next few weeks.

J. TxDot Light at Walmart - The light is operational. It seems to stay green too long on Evergreen Street causing unnecessary delays on Highway 100. We have contacted TxDot to check on that.

K. CDBG 2015-2016 Grant - This is to repave East Sixth and East Ninth Streets, a total of 3 blocks. Construction has begun.

L. Memorial Park - The exercise equipment has arrived. There has been some delays in getting the contractor to install the equipment. They got backed up on other projects. Once they install the equipment we can pour the concrete.

Mr. Milum answered questions from the Council.

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

Polo Narvaez 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. TxDot Light at Walmart K. CDBG 2016-2017 Grant L. Memorial Park, seconded by Bibi Garza the vote was [Unanimous].

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

**Financial Report A. Monthly B. Year-to-Date**Adopted

Motion was made and seconded to acknowledge the finance report.

Polo Narvaez made a motion to approve Financial Report A. Monthly B. 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's report.

Polo Narvaez made a motion to approve Fire Marshal's Report 1. Monthly Report, seconded by Yolanda H. Cruz the vote was [Unanimous].

**Budget Workshop****Budget Workshop for fiscal year 2017/2018.**No Action

Mr. Milum explained the 2017/2018 CDC, Senior Citizen, Debt Service, TIRZ budgets to the Council. He also went over proposed employee salaries.

Mr. Milum answered questions from the Council.

No action was taken.

made a motion to approve Budget Workshop for fiscal year 2017/2018., seconded by the vote was .

14. Adjournment

Mayor Narvaez adjourned the meeting at 8:58 PM.

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Presiding Officer of the Council

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Recorder