

City Council

200 North Brazil

Los Fresnos, TX 78566

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Regular Meeting

~ Minutes ~

Tuesday, August 14, 2018

6:00 PM

City Hall

Agenda

1. Call meeting to order

The meeting was called to order at 6:00 p.m. by Mayor Narvaez.

2. Invocation and Pledge of Allegiance

Mr. Milum 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 any of the items in the consent agenda.

Council member Munoz asked to pull items 1,3,5 & 7 so that Mark Milum could explain a little more on each item.

Mayor Narvaez asked the council if there were any other questions or concerns. He then moved to approve items 2,4 & 6 as they currently read. Council member Real seconded the motion.

Consideration and ACTION to approve CDC to fund landscaping at the Los Fresnos

Nature Park.Adopted

Mr. Munoz asked if the city was going to be short \$20,500 as Mr. Milum had stated in his notes for the item.

Mr. Milum explained that the CDC had approved to fund the \$20,500 for the landscaping at the Nature Park on Monday, August 6, 2018. TCEQ has funding available that allows collection of rain water. Mr. Milum showed the council a plan of the landscaping and explained part of the project called for landscaping , rain cisterns and small irrigation system that the city did not have funds for. Since CDC had already approved to fund the amount the council only needed to approve their action.

Motion was made and seconded to approve CDC to fund landscaping at the Los Fresnos Nature Park.

Juan Munoz made a motion to approve Consideration and ACTION to approve CDC to fund landscaping at the Los Fresnos Nature Park., seconded by Javier Mendez the vote was [Unanimous].

Consideration and ACTION to approve the CDC to fund a sign at the Los Fresnos Nature Park.Adopted

Motion was made and seconded to approve the CDC to fund a sign at the Los Fresnos Nature Park.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the CDC to fund a sign at the Los Fresnos Nature Park., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to approve the Memorandum of Understanding between LFCISD & City of Los Fresnos which calls for both authorities to establish and maintain a coordinated program for enhancing Emergency Operations Planning Response.Adopted

Mr. Munoz asked if the agreement had to show that it was approved by the City Council. Mr. Milum explained he could not sign the agreement until the council approved it and there would be minutes backing up the approval. Mr. Milum stated there was no need to add the language but it could be added if the council would like.

Motion was made and seconded to approve the Memorandum of Understanding between LFCISD & City of Los Fresnos with the recommendation requested by Council Member Munoz that the agreement show it was approved by the City Council.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the Memorandum of Understanding between LFCISD & City of Los Fresnos which calls for both authorities to establish and maintain a coordinated program for enhancing Emergency Operations Planning Response., seconded by Juan Munoz the vote was [Unanimous].

Consideration and ACTION to approve the Los Fresnos Police Department to participate in the Law Enforcement Support Office program (1033 Program).Adopted

Motion was made and seconded to approve the Los Fresnos Police Department to participate in the Law Enforcement Support Office program.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the Los Fresnos Police Department to participate in the Law Enforcement Support Office program (1033 Program)., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to approve Resolution 6-2018 authorizing the award of professional service provider contracts for the 2018 Texas Community Development Block Grant Disaster Relief Fund Project.Adopted

Mr. Munoz asked if the funding was for the City or the citizens of Los Fresnos. Mr. Milum explained it was for the city and would be used for things that were broken, ruined, roof leaks or caused problems during the recent flood. Mr. Munoz asked again if the funds could be used for citizens who needed roof repairs due to the recent rains. Mr. Milum answered no it was for city use only and the city had provided flyers in the lobby

with information to the citizens about programs for flood damage repairs for them directly from FEMA.

Motion was made and seconded to approve Resolution 6-2018 authorizing the award of professional service provider contracts for the 2018 Texas Community Development Block Grant Disaster Relief Fund Project.

Polo Narvaez made a motion to approve Consideration and ACTION to approve Resolution 6-2018 authorizing the award of professional service provider contracts for the 2018 Texas Community Development Block Grant Disaster Relief Fund Project., seconded by Juan Munoz the vote was [Unanimous].

Consideration and ACTION to approve to issue a request for Proposal & Qualifications for Services related to the 2019-2020 Community Development Funding as administered by the Texas Department of Agriculture.Adopted

Motion was made and seconded to approve to issue a request for Proposal & Qualifications for Services related to the 2019-2020 Community Development Funding as administered by the Texas Department of Agriculture.

Polo Narvaez made a motion to approve Consideration and ACTION to approve to issue a request for Proposal & Qualifications for Services related to the 2019-2020 Community Development Funding as administered by the Texas Department of Agriculture., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to update Los Fresnos Police Department Policy Manual on unbiased based policing & guidelines for the use of force.Adopted

Mr. Munoz asked if this was an update or if it was something that was going to be added. Mr. Milum explained it was just an update on the use of force and unbiased policing. The updates came from the best practice policy format from the Texas Police Chiefs Association.

Motion was Made and seconded to update Los Fresnos Police Department Policy Manual on unbiased policing & guidelines for the use of force.

Polo Narvaez made a motion to approve Consideration and ACTION to update Los Fresnos Police Department Policy Manual on unbiased based policing & guidelines for the use of force., seconded by Juan Munoz 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.

There were no comments.

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 6:12 p.m.

Mr. Milum gave a brief description of the property's location.

Manuel Abrego stated he was speaking on behalf of the property owner Mr. Delgado because he did not speak any English. Mr. Abrego handed out pictures of Mr. Delgado's businesses to the council. He gave a summary of Mr. Delgado's current and future businesses in Los Fresnos. He stated that Mr. Delgado had two duplexes on W 8th St. Mr. Abrego explained to the council where the property was located and the dimensions of the lots. He handed out a floor plan of the duplex which would include a garage and fence. He handed out pictures of duplexes around town and stated that he only found one with a garage. He also handed out pictures of other duplexes in town that he said were simple and some were down right nasty, ugly and crappy. He would like for the council to consider approving the appeal.

James Keillor stated that changing zoning can be some of the most difficult decisions the council can deal with. One of the arguments that was used in Planning & Zoning was that this is our zoning ordinance and we can not break our zoning ordinance. He explained the history of the previous administration and how the city was zoned. He feels that on both sides of the argument there are pros and cons and we should be open minded and look at what's best for the city. He explained the pros and cons to the council and the public. He stated he hoped the council made a far decision and not a political one.

Manuel Cruz stated he had been before the board before on the same subject. He lives adjacent to the property requesting the variance. His concern was that they have never heard from the owner. The only thing we have heard is what someone perceives his intentions are. The area where the property is, is single family and Mr. Cruz is hoping that Mr. Delgado was told before buying that it was single family. He urges the board to follow the recommendation by Planning and Zoning after all the council did appoint them to do a job. He feels the Planning and Zoning Commission is doing a great job and has always led the council in the right direction as far as planning and zoning.

Mayor Narvaez closed the public hearing at 6:38 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

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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.**Defeated**

Mr. Milum addressed some of the questions that were asked during the public hearing. He explained the process the Planning & Zoning Commission has when approving a conditional use permit or variance. He stated the staff's recommendation not to approve the appeal stayed the same.

Mr. Mendez asked if Mr. Milum was at the meeting and if the fence was brought up. Mr. Milum answered that he was at the meeting but the fence was not brought up. Mr. Milum answered questions for the council and discussed possible solutions for the owner to build on the property.

Motion was made and seconded not to deny the appeal of a request for a conditional use permit to build a duplex at Lots 1, 2 & 3 Block B, Townsite of Los Fresnos.

Swain Real 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 Javier Mendez the vote was [Unanimous].

Consideration and ACTION to accept bids and ratings of the contractors for the City Hall project, award and enter into negotiations with the top ranked contractor for cost savings.**Adopted**

Mr. Milum let the council know that a rating of the contractors was done by Council member Swain Real, Council member Yolanda Cruz, Finance Director Pablo Garza, Public Works Director Carlos Salazar and himself along with BRW Architects.

Mr. Milum explained they had seven bids for the new city hall ranging from \$3,369,000 to \$3,900,000. The highest rated was D. Wilson construction. The committee recommended D. Wilson Construction as the top rated and enter into negotiations with them for cost savings. Mr. Milum explained they would not enter the agreement yet until they discuss what possible cost savings there are and bring back to the council for final approval.

Mr. Milum answered questions for the board and discussed cost saving alternates.

Motion was made and seconded to accept the bids and ratings of the contractors for the new city hall project as rated.

Javier Mendez made a motion to approve Consideration and ACTION to accept bids and ratings of the contractors for the City Hall project, award and enter into negotiations with the top ranked contractor for cost savings., seconded by Juan Munoz the vote was [Unanimous].

Consideration and ACTION to approve different funding options for the new City Hall.**Adopted**

Mr. Milum explained to the council the current status on the new city hall project and the funding available from other sources. He discussed 3 options to fund the new City Hall. He handed out a list of capital project requested by the department heads.

Mr. Milum answered questions for the board. The board selected option 3 which would leave current year funds available to complete projects in both the General and Utility Fund. Move capital projects planned for next year's budget to this year to free funds for debt payment of \$140,00 and would remove \$217,629.22 from needed street repairs with the TIRZ funds.

Motion was made and seconded to approve option 3 to fund the new City Hall.

Polo Narvaez made a motion to approve Consideration and ACTION to approve different funding options for the new City Hall., seconded by Javier Mendez the vote was [Unanimous].

Consideration and ACTION to fund surveying along the canal belonging to Bayview Irrigation District #11 and to enter into an agreement to utilize their canal for drainage during flood events.**Adopted**

Mayor Narvaez recessed the meeting from 7:28 p.m. to 7:35 p.m.

Mr. Milum explained the location of the canal and stated it was 6.88 miles. Bayview irrigation district asked that the City of Los Fresnos pay the cost for surveying on the City Limits including our ETJ. This would be 2.7 miles costing the city \$9,810 and the Bayview Irrigation District would pay the rest.

Mr Milum had also discussed with the Bayview Irrigation District but was denied the possible option to have valves to allow water to flow into the canal only during the few times we have a large event with lots of rain in a short amount of time. Bayview did not want to risk getting contaminated water in their canal and denied the proposal.

Mr. Milum answered questions for the board.

Motion was made and seconded to fund 2.7 miles of the surveying along the canal belonging to Bayview Irrigation District #11 in the amount of \$9,810.

Polo Narvaez made a motion to approve Consideration and ACTION to fund surveying along the canal belonging to Bayview Irrigation District #11 and to enter into an agreement to utilize their canal for drainage during flood events., seconded by Juan Munoz the vote was [Unanimous].

Consideration and ACTION to approve the Boys & Girls Club 2018-2018 Proposed Budget.Adopted

Mr. Milum reminded the council last year the budget that was proposed was \$80,000 but the council approved \$40,000. This year the Boys & Girls Club is proposing the same budget in the amount of \$80,277. The club has added programs the city has requested and provided reports and financial information.

Mr. Milum explained the individual proposed budget line items in the budget and answered questions for the board. Mr. Milum explained he was ok with the \$40,000 but because of the improvement the club has shown he is also good with the \$80,000.

Mr. Mendez recommended the council go up in increments of \$60,000.

Motion was made and seconded to approve the Boys & Girls Club 2018-2019 proposed budget in the amount of \$60,000.

Javier Mendez made a motion to approve Consideration and ACTION to approve the Boys & Girls Club 2018-2018 Proposed Budget., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to acknowledge the Cameron Appraisal District Chief Appraiser's certification of the 2018 tax roll.Adopted

Mr. Milum explained to the council that the taxable value for 2018 is \$274,037,549 which is an increase of \$21,060,673. There is one property under protest for \$221.63 dealing with a residential property. There were 12 new properties added to the roll.

Motion was made and seconded to acknowledge the Cameron Appraisal District Chief Appraiser's certification of the 2018 tax roll.

Juan Munoz made a motion to approve Consideration and ACTION to acknowledge the Cameron Appraisal District Chief Appraiser's certification of the 2018 tax roll., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to acknowledge the Finance Director's certification of the estimated ad valorem tax collection rate for 2018 and the excess debt tax collections for 2017 tax year.Adopted

Mr. Milum explained that the tax rate the Cameron Appraisal District requires the City to use is 100% due to the prior year's debt collections. The estimated debt collections for 2018 is \$237,387 and we have \$4,680 in excess tax collections and the estimated excess fund balance for the debt fund is \$23,785.61.

Motion was made and seconded to acknowledge the Finance Director's certification of the estimated ad valorem tax collection rate for 2018 and the excess debt tax collections for 2017 tax year.

Polo Narvaez made a motion to approve Consideration and ACTION to acknowledge the Finance Director's certification of the estimated ad valorem tax collection rate for 2018 and the excess debt tax collections for 2017 tax year., seconded by Javier Mendez 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 2018 and for fiscal year 2018/2019. Adopted

Mr. Milum explained the document provided to the council for the tax rate the ad Valorem tax rate is \$0.662254. He stated that the effective ad valorem tax rate is calculated using the same properties for last year and this year with last years tax rate at \$0.715 and this years rate \$0.662254 would bring in the same revenue. This is due to increase property values. Having the tax rate at \$0.715 will bring an increase in revenues of \$144,543.85.

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 \$0.820309 per \$100 valuation.

Mr. Milum answered questions for the board.

Motion was made and seconded to acknowledge the calculations of the City's Effective and Rollback Ad Valorem Tax Rate for tax year 2018 and for fiscal year 2018/2019.

Swain Real 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 2018 and for fiscal year 2018/2019., seconded by Polo Narvaez the vote was [Unanimous].

Consideration and ACTION to propose a tax rate for tax year 2018, 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 they had formulated a budget based on \$0.715 per \$100 valuation like it has been for the last 11 years. Because we exceed the effective tax rate

of \$0.662254 we will have to hold two public hearings because we will be receiving more revenue.

Motion was made and seconded to set the tax rate at \$0.715 for tax year 2018. All members voted aye and the dates for the public hearings were set for Thursday, August 23 and Tuesday, August 28 both at 6:00 p.m. at City Hall.

Swain Real made a motion to approve Consideration and ACTION to propose a tax rate for tax year 2018, 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 Yolanda H. Cruz the vote was [Unanimous].

Consideration and ACTION to approve the renewal contract for the City Attorney Enrique Juarez.Adopted

Mr. Milum reminded the council that last year the council asked this item be placed on the agenda for renewal every year. He stated it was the same contract as the current year only the dates changed for the next fiscal year.

Motion was made and seconded to renew the contract for the City Attorney Enrique Juarez.

Javier Mendez made a motion to approve Consideration and ACTION to approve the renewal contract for the City Attorney Enrique Juarez., seconded by Juan Munoz the vote was [Unanimous].

Consideration and ACTION on approving the rating for Material Testing Inspections and authorizing City Manager to negotiate an agreement with the top rated responsive firm.Adopted

Mr. Milum explained in relation to the new city hall project the same committee did a rating on the material testing and inspections. There were three firms that submitted proposals Terracon, PSI and Raba Kistner. He explained that the council would have to approve the ratings as they came in which was Terracon as #1, PSI #2 and Raba Kistner #3. This would authorize him to negotiate an agreement with the top rated firm if they were would not negotiate he would automatically go to the next highest rated firm.

Mr. Mendez asked if the city had any upcoming projects if we could put the firms on a rotation list. Mr. Milum stated it was possible.

Motion was made and seconded to approve all three firms and allow the city manager to place them on a rotation list.

Javier Mendez made a motion to approve Consideration and ACTION on approving the rating for Material Testing Inspections and authorizing City Manager to negotiate an agreement with the top rated responsive firm., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to approve the write off of bad debt for the utility accounts and garbage for the 2017-2018 fiscal year.Adopted

Mr. Milum explained this was something that was done every year. The total bills of water, sewer and garbage for 2015-2016 were \$2,258,041.09. The total write off of garbage, penalties, water sewer, and reconnection fees is \$13,478.85

Mr. Milum answered questions for the board.

Motion was made and seconded to approve the write off of bad debt for the utility accounts and garbage for the 2017-2018 fiscal year.

Javier Mendez made a motion to approve Consideration and ACTION to approve the write off of bad debt for the utility accounts and garbage for the 2017-2018 fiscal year., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to approve proposed meal Per Diem for the Los Fresnos Police Department.No Action

made a motion to approve Consideration and ACTION to approve proposed meal Per Diem for the Los Fresnos Police Department., seconded by the vote was .

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. 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 DevelopmentAdopted

Mr. Milum asked the council if they had any questions. He gave an update on the Hike & Bike Trails stating that we are still waiting on TxDOT to get final approval. Council member Mendez commended Mr. Milum on the Nature Park. There was discussion on the Nature Park.

Mr. Milum mention after budget he would meet with the rest of the property owners for the Henderson Road Project to get the 10 feet easement to complete the crossings. He has received positive feedback form the property owners he has met with already.

Mr. Milum explained there was a potential candidate to handle inspections except the plumbing which requires specialized certifications. The city would work with the candidate to do all inspections except the plumbing and continue to contract with the current person to handle the plumbing inspections.

Council member Cruz asked for an update on the Dog Park. Mr. Milum stated that Walmart had not got back to him yet.

Motion was made and seconded to acknowledge the city managers 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. 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 Yolanda H. Cruz the vote was [Unanimous].

Acknowledgement of Department Head Reports

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

Motion was made and seconded to approve the Financial Report.

Polo Narvaez made a motion to approve Financial Report 1. Monthly 2. Year-to-Date 3. Sales Tax, seconded by Yolanda H. Cruz the vote was [Unanimous].

Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Projects 4. RecyclingAdopted

Motion was made and seconded to approve 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 Projects 4. Recycling, seconded by Yolanda H. Cruz the vote was [Unanimous].

Police Department Report 1. Arrests 2. Incidents 3. AccidentsAdopted

Motion was made and seconded to approve 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 ReportAdopted

Motion was made and seconded to approve 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 ReportAdopted

Motion was made and seconded to approve 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 ReportAdopted

Motion was made and seconded to approve 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 2018/2019.**No Action

Mr. Milum handed out sheets to the council. He explained there was three new proposed positions part-time Permit Clerk, part-time Library Clerk and a position in the Parks Department through the temp agency. He explained the different positions and the increase that would occur the upcoming fiscal year.

Mr. Milum answered questions for the board.

made a motion to approve Budget Workshop for fiscal year 2018/2019., seconded by the vote was .

10. Adjournment

Mr. Narvaez adjourned the meeting at 9:04 p.m.

Presiding Officer of the Council

Recorder