

City Council

200 North Brazil

Regular Meeting

Los Fresnos, TX 78566

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

~ Agenda ~

Tuesday, September 12, 2017

6:00 PM

City Hall

NOTICE IS HEREBY GIVEN THAT THE CITY COUNCIL OF THE CITY OF LOS FRESNOS PURSUANT TO CHAPTER 551, TITLE 5 OF THE TEXAS GOVERNMENT CODE, THE TEXAS OPEN MEETINGS ACT, WILL MEET ON TUESDAY, SEPTEMBER 12, 2017 AT 6:00 PM AT CITY HALL, 200 NORTH BRAZIL ST, LOS FRESNOS, TX 78566.

I. AGENDA

1. Call meeting to order
2. Invocation and Pledge of Allegiance
3. Consent Agenda
 1. Approval or rejection of Minutes from August 1, 2017, August 8, 2017 and August 24, 2017 meetings.
 2. Approval or rejection to approve bid received for fire hydrant annual maintenance.
 3. Consideration and ACTION to approve the purchasing of a police patrol vehicle.
 4. Approval or rejection to approve the bids received for the following: A. Chemicals B. Lot Mowing C. Official Newspaper D. Pest Control E. Vehicle Washing and Vacuuming
 5. Approval or rejection to approve a Resolution designating the official newspaper for fiscal year 2017/2018.
4. 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.
5. Public Hearing
 1. Public Hearing to receive comments from the public on the proposed budget for fiscal year 2017/2018.
6. Action Items

1. Consideration and ACTION on a resolution to nominate a person for Position 9 on the Cameron Appraisal District Board of Directors.
 2. Consideration and ACTION to approve service agreements for fiscal year 2017/2018 for the following: A. Los Fresnos Chamber of Commerce B. Los Fresnos Ambulance Service C. Los Fresnos Volunteer Fire Department D. Los Fresnos Boys & Girls Club
 3. Consideration and ACTION to approve the first reading of Ordinance 486 for regulating the physical use, occupancy and maintenance of city rights-of-way by wireless network providers.
 4. Consideration and ACTION to approve the first reading of Ordinance 487 approving a design manual for installation of network nodes and node support poles; and approving a pole attachment agreement regulating the installation of network nodes on city service poles and utility poles due to SB 1004.
 5. Consideration and ACTION to approve Fee Schedule.
 6. Consideration and ACTION to appoint a person to the Los Fresnos Housing Authority.
 7. Consideration and ACTION to ratify the property tax increase as reflected in the 2017/2018 budget.
 8. Consideration and ACTION to approve the first reading of Ordinance 484 adopting the budgets for fiscal year 2017/2018.
 9. Consideration and ACTION to approve the first reading of Ordinance 485 approving the 2017 tax roll and levying municipal ad valorem taxes for the use, benefit and support of the City and directing the assessment and collection thereof.
7. Acknowledgement of City Manager's Report
1. 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. CDBG 2015-2016 Grant K. Memorial Park
8. Acknowledgement of Department Head Reports

1. Finance Report 1. Monthly Report 2. Year-to-Date
2. Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Permits 4. Recycling
3. Police Department Report 1. Arrests 2. Incidents 3. Accidents
4. Municipal Court Report 1. Monthly Report
5. Library Report 1. Monthly Report
6. Fire Marshal's Report 1. Monthly Report

9. Adjournment

This is to certify that I, Pam Denny, posted this agenda on the front bulletin board of the City Hall on September 7, 2017 on or before 5:30 p.m. and it shall remain so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

Pam Denny, City Secretary

Persons with any disabilities that would like to attend meetings must notify City Secretary 24 hours in advance so that the City can make arrangements for that disabled person.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Minutes
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2287 A

REVIEWED

ACTION ITEM (ID # 2287)

Approval or rejection of Minutes from August 1, 2017, August 8, 2017 and August 24, 2017 meetings.

I recommend approval.

City Council

200 North Brazil

Special Meeting

Los Fresnos, TX 78566
<http://citylf.cloudaccess.net/en/>

~ Minutes ~

Tuesday, August 1, 2017	6:00 PM	City Hall
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Call to Order

The meeting was called to order at 6:00 PM by Mayor Polo Narvaez

Invocation and Pledge of Allegiance

Mayor Narvaez gave the invocation and led the audience in the Pledge of Allegiance.

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

There were no comments from the public.

Mr. Milum stated he would like to apologize to Celina Gonzales for putting her name in the notes for the Council agenda on June 13, 2017 and that he should not have done that. He also stated that Celina said that she would follow the ordinance and did not say she would refuse to follow his directions. He apologized to the Council as well for causing any hardships.

Workshop

Discussion on Ordinance 482 fixing the rates to be charged to the consumers of water and sewer services.

Mr. Milum explained that the amendment is what was passed on the first reading of the ordinance. The only change we would like to make is to eliminate the exceptions as it will be difficult to track and monitor.

Mr. Milum answered questions from the Council.

No action taken.

RESULT: NO ACTION

Discussion on Ordinance 483 regulating solid waste ordinance.

Mr. Milum explained that the amendment is what was passed on the first reading of the ordinance. The only change we would like to make is to eliminate the exceptions as it will be difficult to track and monitor.

Mr. Milum answered questions from the Council.

Special Meeting

Tuesday, August 1, 2017

6:00 PM

No action was taken.

RESULT: NO ACTION

Adjournment

The meeting was closed at 6:23 PM

Presiding Officer of the Council

Recorder

Attachment: minutes August 1 (2287 : Minutes)

City Council

200 North Brazil

Regular Meeting

Los Fresnos, TX 78566
<http://citylf.cloudaccess.net/en/>

~ Minutes ~

Tuesday, August 8, 2017

6:00 PM

City Hall

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.

Motion was made and seconded to approve the Minutes from July 11, 2017 as presented.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Juan Munoz, Councilman
SECONDER:	Bibi Garza, Councilwoman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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

Motion was made and seconded to approve the State Plan of Operations (1033) between City of Los Fresnos Police Department and State of Texas.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Juan Munoz, Councilman
SECONDER:	Bibi Garza, Councilwoman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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.

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.

Attachment: minutes August 8_ (2287 : Minutes)

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Javier Mendez, Councilman
SECONDER:	Juan Munoz, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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

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.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Javier Mendez, Councilman
SECONDER:	Polo Narvaez, Mayor
AYES:	Bibi Garza, Polo Narvaez, Javier Mendez
NAYS:	Juan Munoz, Yolanda H. Cruz
ABSENT:	Swain Real

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

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.

Attachment: minutes August 8_ (2287 : Minutes)

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.

RESULT:	ADOPTED [3 TO 2]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Javier Mendez, Councilman
AYES:	Bibi Garza, Polo Narvaez, Javier Mendez
NAYS:	Juan Munoz, Yolanda H. Cruz
ABSENT:	Swain Real

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

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Juan Munoz, Councilman
SECONDER:	Bibi Garza, Councilwoman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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.

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Javier Mendez, Councilman
SECONDER:	Juan Munoz, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Javier Mendez, Councilman
SECONDER:	Polo Narvaez, Mayor
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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

Attachment: minutes August 8_ (2287 : Minutes)

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Yolanda H. Cruz, Councilwoman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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

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 employ 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Yolanda H. Cruz, Councilwoman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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

Attachment: minutes August 8_ (2287 : Minutes)

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Javier Mendez, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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.

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Javier Mendez, Councilman
SECONDER:	Juan Munoz, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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.

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.

Attachment: minutes August 8_ (2287 : Minutes)

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Javier Mendez, Councilman
SECONDER:	Bibi Garza, Councilwoman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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.

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Javier Mendez, Councilman
SECONDER:	Juan Munoz, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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

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.

Attachment: minutes August 8_ (2287 : Minutes)

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

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Juan Munoz, Councilman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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

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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Yolanda H. Cruz, Councilwoman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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)

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.

Attachment: minutes August 8_ (2287 : Minutes)

RESULT:	DEFEATED [4 TO 1]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Yolanda H. Cruz, Councilwoman
AYES:	Bibi Garza, Polo Narvaez, Yolanda H. Cruz, Javier Mendez
NAYS:	Juan Munoz
ABSENT:	Swain Real

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)

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.

RESULT:	DEFEATED [4 TO 1]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Yolanda H. Cruz, Councilwoman
AYES:	Bibi Garza, Polo Narvaez, Yolanda H. Cruz, Javier Mendez
NAYS:	Juan Munoz
ABSENT:	Swain Real

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

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.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Yolanda H. Cruz, Councilwoman
AYES:	Bibi Garza, Juan Munoz, Yolanda H. Cruz, Javier Mendez
NAYS:	Polo Narvaez
ABSENT:	Swain Real

Acknowledgement of City Manager's Report

Attachment: minutes August 8_ (2287 : Minutes)

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

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 deldays on Highway 100. We have contacted TxDot to check on that.

K. CDBG 2015-2016 Grant - This is to repave East Sixth and East Nighth 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 go 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.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Bibi Garza, Councilwoman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

Acknowledgement of Department Head Reports

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

Motion was made and seconded to acknowledge the finance report.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Yolanda H. Cruz, Councilwoman
AYES:	Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT:	Swain Real

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

Motion was made and seconded to acknowledge the public works report.

Attachment: minutes August 8_ (2287 : Minutes)

RESULT: ADOPTED [UNANIMOUS]
MOVER: Polo Narvaez, Mayor
SECONDER: Yolanda H. Cruz, Councilwoman
AYES: Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT: Swain Real

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

Motion was made and seconded to acknowledge the police department report.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Polo Narvaez, Mayor
SECONDER: Yolanda H. Cruz, Councilwoman
AYES: Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT: Swain Real

Municipal Court Report 1. Monthly Report

Motion was made and seconded to acknowledge the municipal court report.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Polo Narvaez, Mayor
SECONDER: Yolanda H. Cruz, Councilwoman
AYES: Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT: Swain Real

Library Report 1. Monthly Report

Motion was made and seconded to acknowledge the library report.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Polo Narvaez, Mayor
SECONDER: Yolanda H. Cruz, Councilwoman
AYES: Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT: Swain Real

Fire Marshal's Report 1. Monthly Report

Motion was made and seconded to acknowledge the fire marshal's report.

RESULT: ADOPTED [UNANIMOUS]
MOVER: Polo Narvaez, Mayor
SECONDER: Yolanda H. Cruz, Councilwoman
AYES: Garza, Munoz, Narvaez, Cruz, Mendez
ABSENT: Swain Real

Budget Workshop

Budget Workshop for fiscal year 2017/2018.

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

Attachment: minutes August 8_ (2287 : Minutes)

Mr. Milum answered questions from the Council.

No action was taken.

RESULT: NO ACTION

14. Adjournment

Mayor Narvaez adjourned the meeting at 8:58 PM.

Presiding Officer of the Council

Recorder

Attachment: minutes August 8_ (2287 : Minutes)

City Council

200 North Brazil

Special Meeting

Los Fresnos, TX 78566

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

~ Minutes ~

Thursday, August 24, 2017

6:00 PM

City Hall

Call to Order

The meeting was called to order at 6:04 PM by Mayor Polo Narvaez

Invocation and Pledge of Allegiance

Mayor Narvaez gave the invocation and led the audience in the Pledge of Allegiance.

Visitor Remarks - To speak you must sign in with City Secretary prior to meeting and you will have a limits of 3 minues to speak.

Mr. Milum gave the Council a report on Hurricane Harvey that would make landfall just north of Corpus Christi.

Action Item

Consideration and ACTION to approve the waiving of all permits fees for the new Los Fresnos Emergency Services Complex.

Mr. Milum stated that the Los Fresnos Volunteer Fire Department and the Los Fresnos Ambulance Service are ready to begin construction on their new facility. They would like the various fees to be waived so they do not have to pay them. The total amount is \$6,257.

Motion was made and seconded to approve waiving all permit fees for the new Los Fresnos Emergency Services Complex.

RESULT:	ADOPTED [4 TO 1]
MOVER:	Polo Narvaez, Mayor
SECONDER:	Yolanda H. Cruz, Councilwoman
AYES:	Bibi Garza, Polo Narvaez, Yolanda H. Cruz, Javier Mendez
NAYS:	Juan Munoz
ABSENT:	Swain Real

Workshop

Budget Workshop for fiscal year 2017/2018.

Mr. Milum went over the General Fund budget and the Utility Fund budget and explained the revenues and expenditures for the fiscal year 2017/2018.

Mr. Milum answered questions from the Council.

Attachment: minutes August 24 (2287 : Minutes)

Special Meeting

Thursday, August 24, 2017

6:00 PM

RESULT: NO ACTION

Adjournment

The meeting was closed at 9:00 PM

Presiding Officer of the Council

Recorder

Attachment: minutes August 24 (2287 : Minutes)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2290 A

REVIEWED

ACTION ITEM (ID # 2290)

Approval or rejection to approve bid received for fire hydrant annual maintenance.

The 3 year contract for maintenance of the fire hydrants is expired. The prior agreement prices with East Texas Meter & Hydrant Services were as follows: \$42 for 2014-2015, \$45 for 2015-2016, \$48 for 2016-2017, \$700 for a complete overhaul, \$175 for a top end overhaul.

We advertised and sent out proposals to known companies that do this work. We only received 1 bid. The prices were lower than the prior contract. The company checked out when references were contacted.

I recommend approval of Puttbro's for a 3 year agreement as bid.

CITY OF LOS FRESNOS
200 N. Brazil Street, Los Fresnos, TX 78566

BID SUMMARY FORM

Bid Name: Fire Hydrants

For Meeting Date of: 12-Sep-17

Bid Opening Date: 22-Aug-17

Source of Funding: 2017/2018, 2018/2019
1019/2020 - General F 2019/2020

Time: 2:00 PM

Summary: The City of Los Fresnos advertised and solicited sealed bids for fire hydrant annual maintenance and we received one (1) bid.

Justification: The City only received one bid .

Recommendation Action: Staff recommends Board approval and award the contract to PuttBros.

BID TABULATION ON FIRE HYDRANTS

NAME OF COMPANY	ANNUAL MAINTENANCE	COMPLETE OVERHAUL	TOP END OVERHAUL
Puttbro's 2017/2018	\$39 per meter	\$650	\$160
2018/2019	\$42 per meter		
2019/2020	\$45 per meter		

* 225 - 250 fire hydrants

Attachment: fire hydrant bid (2290 : Fire Hydrants)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

REVIEWED

ACTION ITEM (ID # 2308)

DOC ID: 2308 B

Consideration and ACTION to approve the purchasing of a police patrol vehicle.

At the last budget workshop the Council directed me to look at the current budget to see if we could find the funds to replace the PD patrol vehicle that was involved in the accident. There are funds available. We estimated property taxes to be \$1,094,154 but already have \$1,101,124 or \$6,970 more than expected. We estimated sales taxes to be \$970,000 but already have \$910,671 or an average of \$82,788. If we meet the average we will have \$993,459 or \$23,459 more than expected. We estimate court revenue to be \$440,000 but already have \$441,118 as of September 1. We estimate September revenue to be \$25,000. Conservatively we should have well over \$50,000 which is enough to purchase the replacement PD vehicle.

The estimate on a 2016 Ford Interceptor Sedan is \$26,180.50. Lights, equipment, radios, computer, striping, etc. will be no more than \$3,819.50 for a total of \$30,000.00

I recommend approval of purchasing the new 2016 patrol unit and needed equipment for no more than \$30,000.00.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2292 A

REVIEWED

ACTION ITEM (ID # 2292)

Approval or rejection to approve the bids received for the following: A. Chemicals B. Lot Mowing C. Official Newspaper D. Pest Control E. Vehicle Washing and Vacuuming

I recommend approval.

CITY OF LOS FRESNOS

200 N BRAZIL STREET, LOS FRESNOS, TEXAS 78566

BID SUMMARY FORM

Bid Name: Chemicals For Meeting Date of: September 12, 2017

Bid Opening Date: August 23, 2017 Source of Funding: 2017/2018 General Fund and Utility Fund.

Time: 2:00 p.m. Budget Amount: _____

Total Bid Amount: _____

Summary: The City of Los Fresnos advertised and solicited sealed bids for chemicals for water and sewer, and swimming pool services. We received seven (7) bids.

Justification: The City received seven bids and we have highlighted the lowest bid on the bid tabulation spread sheet in order to get the best prices for chemicals.

Recommended Action: Staff recommends Board approval and award the contracts to the following vendors:

- AmChem for Calcium Hypochlorite
- Chemtrade Chemical for Caustic Soda, Liquid Alum Blend and Liquid Ammonium Sulfate
- Commercial Chemical for Sodium Hypochlorite
- DPC for Sulfur Dioxide and Chlorine Gas
- Praxair Distribution for Acetylene/Oxygen
- Valley Solvent for Sodium Bicarbonate and Hydrochloric Acid

BID TABULATION ON CHEMICAL BIDS
2017-2018

CHEMICAL	CURRENT PRICE	AmChem	Brenntag Southwest	Chemtrade Chemical	Commercial Chemical	DPC	Valley Solvents	Praxair
Sulfur Dioxide	\$155.00/ cyl					\$170.00/ cyl		
Chlorine Gas	\$135.00/ cyl					\$150.00/ cyl		
Caustic Soda 50%	\$0.124/ lb	\$0.1950/ lb	\$0.2538/ lb	\$0.1775/ lb				
Liquid Alum Blend(Clarion)	\$0.879/ lb		\$0.0854/ lb	\$0.0835/ lb				
Liquid Ammonium Sulfate	\$0.2475/ lb		\$0.2570/ lb	\$0.2525/ lb				
Sodium Bicarbonate	\$16.25/ bag	\$27.00/ bag					\$16.25/ bag	
Sodium Hypochlorite	\$97.90/ dr	\$230.00/ dr Min. 4 drums	\$97.90/ dr		\$96.25/ dr		\$97.90/ dr	
Hydrochloric Acid	\$165.00/ dr	\$290.00/ dr Min. 4 drums	\$326.00/ dr				\$165.00/ dr	
Calcium Hypochlorite	\$1.35/ lb	\$1.60/ lb	\$1.79/ lb 100# pails				\$1.65/ lb	
Acetylene/Oxygen	Act-4 \$65/ cyl							\$70.98/ cyl
	Qxy-K \$18/ cyl							\$19.66/ cyl
	Energy fee-\$7							\$7.00
	Hazmat fee-\$9.95					8%		\$9.95
	Deliv. fee-\$14.55							\$14.55
	Rental \$.28/ per cyl/ per day							\$0.284/ cyl
	Fuel Charge					4.50%		

Attachment: chemical bids (2292 : Maintenance Agreements)

CITY OF LOS FRESNOS
200 N BRAZIL STREET, LOS FRESNOS, TX 78566

BID SUMMARY FORM

Bid Name: Lot Mowing For Meeting Date of: September 12, 2017

Source of Funding: 2017/2018 General Fund

Bid Opening Date: August 23, 2017

Time: 2:00 p.m. Budget Amount: _____

Total Bid Amount:

Summary: The City of Los Fresnos advertised and solicited sealed bids for lot mowing
We received four (4) bids. The current provider is Under Construction.

Justification: Low bid.

Recommended Action: Staff recommends Board approval and award the contract to M. H. Mowing Services.

**BID TABULATION FOR LOT MOWING/TREE TRIMMING
2017-2018**

SERVICE REQUIRED	CURRENT COST	Under		C's Handywork	M.H. Mowing	Johnny's Tuff Cuts & Fencing
		Construction				
Lot Mowing (6,000 square feet)	\$35.00	\$35.00		\$50.00	\$25.00	\$50.00
Lot Mowing With House (6,000 sq. feet)	\$40.00	\$40.00		\$75.00	\$30.00	\$65.00
Lot Mowing with House (No Access to Lot)	\$80.00	\$80.00		\$65.00	\$40.00	\$50.00
Lot Mowing with no House (and no Access)	\$50.00	\$50.00		\$85.00	\$45.00	\$65.00
Tree Trimming (Per Tree)	5.00 per tree	first 5 trees free then \$5.00 per tree		\$100.00	\$20.00	\$40.00
Weed Eating Per Lot	\$10.00	\$10.00		\$40.00	\$15.00	\$30.00
Alley & Right-of-Way Per Linear Foot - (20 Foot Wide)	\$1.00 per ft.	\$1.00 per ft.		\$1.00 per ft.	\$25.00	\$2.00 per ft.

CITY OF LOS FRESNOS

200 N BRAZIL STREET, LOS FRESNOS, TEXAS 78566

BID SUMMARY FORM

Bid Name: Official Newspaper For Meeting Date of: September 12, 2017

Bid Opening Date: August 23, 2017 Source of Funding: 2017/2018 General Fund and Utility Fund

Time: 2:00 p.m. Budget Amount: _____

Total Bid Amount: _____

Summary: The City of Los Fresnos advertised and solicited sealed bids for the official newspaper for the City. We received one (1) bid. The current provider is Los Fresnos News.

Justification: Low bid.

Recommended Action: Staff recommends Board approval and award the contract to Los Fresnos News.

BID TABULATION FOR OFFICIAL NEWSPAPER
2017-2018

Advertisement	CURRENT COST	Los Fresnos News	
Classified Ads	\$7.00 / pci	\$7.00 / pci	
Legal Notices	\$7.00/ pci	\$7.00/ pci	
Public Hearing Notices	\$7.00/ pci	\$7.00/ pci	
pci = per column inch			

Attachment: Official newspaper bid (2292 : Maintenance Agreements)

CITY OF LOS FRESNOS

200 N BRAZIL STREET, LOS FRESNOS, TEXAS 78566

BID SUMMARY FORM

Bid Name: Pest Control Services

For Meeting Date of: September 12, 2017

Bid Opening Date: August 23, 2017

Source of Funding: 2017/2018 General Fund
Senior Citizen and Utility Fund

Time: 2:00 p.m.

Budget Amount: _____

Total Bid Amount: _____

Summary: The City of Los Fresnos advertised and solicited sealed bids for pest control services
We received two (2) bids. The current provider is Terminix.

Justification: Low bid

Recommended Action: Staff recommends Board approval and award the contract to Edward's Pest Control

**BID TABULATION FOR PEST CONTROL
2017-2018**

BUILDING & SQ.FOOTAGE	CURRENT COST	Terminix	Edward's Pest Control
City Hall/Police Department 5332 sq. ft.	\$38/month	\$38/ month	\$29.99/ mo
Community Center 5138 sq. ft.	\$38/month	\$38/ month	\$29.99/ mo
Library 3564 sq. ft.	\$38/month	\$38/ month	\$29.99/ mo
Animal Kennels 640 sq. ft.	\$38/month	\$38/ month	\$29.99/ mo
Service Center 1073 sq. ft.	\$38/ month	\$38/ month	\$29.99/ mo
Training Center 1200 sq. ft.	\$38/ month	\$38/ month	\$29.99/ mo

CITY OF LOS FRESNOS
200 N BRAZIL STREET, LOS FRESNOS, TX 78566

BID SUMMARY FORM

Bid Name: Washing, vacuuming and other detail For Meeting Date of: September 12, 2017

Source of Funding: 2017/2018 General Fund

Bid Opening Date: August 23, 2017

Time: 2:00 p.m. Budget Amount: _____

Total Bid Amount:

Summary: The City of Los Fresnos advertised and solicited sealed bids for lot mowing
We received two (2) bids. The current provider is Under Construction.

Justification: Low bid.

Recommended Action: Staff recommends Board approval and award the contract to Under Construction.

**BID TABULATION FOR VEHICLE WASHING, VACUUMING AND OTHER DETAIL
2017-2018**

DESCRIPTION	CURRENT COST	Under Construction	Alica Lerma
Basic Wash	\$15.00/ cars	\$15.00/ cars	\$18.00/ cars
ATV & Mowers	\$16.00/ trucks	\$16.00/ trucks	\$20.00/ trucks
Tractors	\$10.00	\$10.00	\$18.00
Recycle Trailers	\$10.00	\$10.00	\$18.00
Wash & Wax every three months	same as above	same	
Other Detail - Police Vehicles wash, vacuum, wax and shampoo carpet	same as above	same	30.00
		Police cars only will be washed twice/ mo for free.	

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Resolutions
Prepared By: Pam Denny

Initiator: Pam Denny
Sponsors:

REVIEWED

ACTION ITEM (ID # 2293)

DOC ID: 2293 A

Approval or rejection to approve a Resolution designating the official newspaper for fiscal year 2017/2018.

We have to pass a resolution designating the official newspaper even though it was approved under the bid item.

I recommend approval.

CITY OF LOS FRESNOS

RESOLUTION NO. 11-2017

A RESOLUTION OF THE CITY COUNCIL DESIGNATING AN OFFICIAL NEWSPAPER FOR THE CITY OF LOS FRESNOS, TEXAS FOR FISCAL YEAR 2017-2018.

This Resolution was introduced and submitted to the City Council for passage and adoption. After presentation and discussion of the Resolution, a motion was made by _____ that the Resolution be finally passed and adopted in accordance with the City’s Home Rule Charter. The motion was seconded by _____ and carried by the following vote:

Mayor Polo Narvaez	___	For	___	Against	___	Abstained
Councilmember Yolanda H. Cruz	___	For	___	Against	___	Abstained
Councilmember Swain Real	___	For	___	Against	___	Abstained
Mayor Pro-tem Javier Mendez	___	For	___	Against	___	Abstained
Councilmember Bibi Garza	___	For	___	Against	___	Abstained
Councilmember Juan Munoz	___	For	___	Against	___	Abstained

WHEREAS, the City Council finds that the _____ is a paper of general circulation within the City of Los Fresnos; and

WHEREAS, the City Council finds that the _____:

- (1) Devotes not less than 25% of its total column lineage to general interest items;
- (2) Is published at least once each week;
- (3) Is entered as 2nd-class postal matter in the county where published; and
- (4) Has been published regularly and continuously for at least 12 months before the governmental entity or representative publishes notice; and

WHEREAS, the City Council finds that the _____ is a publication that meets all of the criteria legally required of an officially designated newspaper for the City of Los Fresnos; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS, that:

- (1) The _____ is designated as the official newspaper for the City of Los Fresnos for Fiscal Year 2017-2018, commencing October 1, 2017.
- (2) The City Manager is authorized and directed to execute a contract with the _____ establishing the applicable rates for publication of city notices.

PASSED AND APPROVED by the City Council on this, the ___ day of _____, 2017.

ATTEST

Polo Narvaez, Mayor

Pam Denny, City Secretary

Attachment: newspaper resolution (2293 : Official Newspaper)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Public Hearing
Prepared By: Pam Denny

REVIEWED

Initiator: Pam Denny
Sponsors:

ACTION ITEM (ID # 2288)

DOC ID: 2288 A

Public Hearing to receive comments from the public on the proposed budget for fiscal year 2017/2018.

This is an opportunity for the public to comment on the proposed budget. The Council is not to respond during the public comments. City staff can respond or the item can be discussed later in the meeting if it is on the agenda during that specific agenda item. If it is not on the agenda it can be requested to be placed on the next meeting's agenda.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Resolutions
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2289

REVIEWED

ACTION ITEM (ID # 2289)

**Consideration and ACTION on a resolution to nominate a
person for Position 9 on the Cameron Appraisal District
Board of Directors.**

CAMERON APPRAISAL DISTRICT

Richard Molina - Chief Appraiser
 P.O. Box 1010, 2021 Amistad Dr.
 San Benito, TX 78586-1010
 www.cameroncad.org
 (956) 399-9322
 (956) 541-3365
 (956) 428-8020
 Fax (956) 399-6969



MEMBERS OF THE BOARD
 Vicente Mendez, **Chairman**
 David Garza, **Vice-Chairman**
 David Argabright, **Secretary**
 Gloria Casas
 Cesar Lopez
 J. Ruben Montemayor
 Ricardo Morado
 Bharat Patel
 Jesse Villarreal
 Tony Yzaguirre, Jr.

August 14, 2017

Mr. Polo Narvaez
 Mayor, City of Los Fresnos
 200 N. Brazil
 Los Fresnos, TX 78566

COPY

Dear Mr. Narvaez:

Please place on your September or October agenda an action item that will name your nominee for Cameron Appraisal District Director and submit the nominee's name to our office before **October 15, 2017**. Your current representative is **Mr. Ricardo Morado**. Pursuant to Texas Property Tax Code Sec.6.03(g), each taxing unit entitled to vote may **nominate by resolution adopted by its governing body one candidate**. The Chief Appraiser will then deliver a ballot to your governing body by **October 30th** so that the ballot can be placed on your meeting agenda. Ballots must then be returned to our office by **December 15, 2017**.

Pursuant to Chapter 6 of the Texas Property Tax Code, the requirements for eligibility to serve on an appraisal district board of directors are as follows:

26. The individual must have resided in the district for at least two years immediately preceding taking office.
27. An employee of a taxing unit that participates in the district is not eligible to serve on the board unless the individual is also a member of the governing body or an elected official of a taxing unit that participates in the district.
28. An individual is ineligible to serve if the individual is related within the second degree by consanguinity or affinity to an individual who is engaged in the business of appraising property for compensation for use in proceedings under this title or of representing property owners for compensation in proceedings under this title in the appraisal district.
29. An individual is ineligible to serve if related to an employee of the appraisal district within the second degree by affinity or within the third degree by consanguinity unless the employee resigns.
30. An individual is ineligible to serve if the individual or a business entity in which the individual has a substantial interest is a party to a contract with the appraisal district or a taxing unit that participates in the appraisal district.
6. An individual is ineligible to serve if the individual owns property on which delinquent taxes have been owed to a taxing unit for more than 60 days after the date the individual knew or should have known of the delinquency unless the delinquent taxes and penalties are being paid under an installment payment agreement or the taxes are deferred or abated under Tax Code Section 33.06 or 33.065.

Please feel free to call if any further information is needed.

Sincerely,

Richard Molina

Richard Molina
 Chief Appraiser
 Cameron Appraisal District

RM/lcs

Cc: Mark Milum, City Manager

Attachment: nomination for Appraisal district board (2289 : Cameron Appraisal District)

RESOLUTION NO. 10-2017

A RESOLUTION BY THE CITY OF LOS FRESNOS TO NOMINATE A PERSON TO SERVE ON THE CAMERON APPRAISAL DISTRICT BOARD OF DIRECTORS FOR POSITION 9.

This resolution was introduced and submitted to the City Council for passage and adoption. After presentation and discussion of the Resolution, a motion was made by _____ that the Resolution be finally passed and adopted in accordance with the City's Home Rule Charter _____ and carried by the following vote:

Mayor Polo Narvaez	___	For	___	Against	___	Abstained
Councilmember Yolanda H. Cruz	___	For	___	Against	___	Abstained
Councilmember Swain Real	___	For	___	Against	___	Abstained
Mayor Pro-tem Javier Mendez	___	For	___	Against	___	Abstained
Councilmember Bibi Garza	___	For	___	Against	___	Abstained
Councilmember Juan Munoz	___	For	___	Against	___	Abstained

WHEREAS, the City of Los Fresnos along with fourteen (14) other cities in Cameron County is represented by one (1) board member sitting as position nine (9) on the Cameron Appraisal District Board of Directors; and

WHEREAS, each of the fourteen (15) cities represented by this director shall have the opportunity to nominate and vote for the representative of its choice for the period commencing January 2018; and

WHEREAS, the candidate receiving the greatest number of votes will hold director position nine (9);

NOW THEREFORE, BE IT RESOLVED this the ___ day of _____, 2017 that the City Council of the City of Los Fresnos nominates _____ to hold position nine (9) of the Cameron Appraisal District Board of Directors.

Polo Narvaez, Mayor

ATTEST:

Pam Denny, City Secretary

Attachment: Appraisal Board resolution (2289 : Cameron Appraisal District)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2291 B

REVIEWED

ACTION ITEM (ID # 2291)

Consideration and ACTION to approve service agreements for fiscal year 2017/2018 for the following: A. Los Fresnos Chamber of Commerce B. Los Fresnos Ambulance Service C. Los Fresnos Volunteer Fire Department D. Los Fresnos Boys & Girls Club

The agreements for the Chamber, EMS and Fire Departments are the same as they were last year and what was discussed during the budget meetings. The Boy's & Girls Club agreement is the amount and what the Council directed during the budget meetings.

I recommend approval.

SERVICE AGREEMENT

This is an agreement between the City of Los Fresnos, hereinafter called "CITY" and the Los Fresnos Area Chamber of Commerce, hereinafter called "CHAMBER".

The purpose of this agreement is to establish a development program between the City and the Chamber to encourage and promote an expanded business development. The City supports the Chamber's efforts to promote tourism, commercial and industrial development within the City. The City recognizes the substantial economic contribution from the local businesses and industrial establishments deriving from sales tax, economic development sales tax and property taxes.

This agreement will begin on the 1st day of October 2017 and will be for a one (1) year period and will be reviewed by the City Council to consider extending agreement or not. Payment for this agreement shall be monthly.

Therefore, it is agreed that the Chamber will develop programs and perform the following duties:

1. Establish, maintain and share information base of all business listings of Chamber members.
2. Share City related statistics and Economic Development programs to be used for promotion and expansion of businesses and industrial developments.
3. Encourage expansion of existing business and encourage development of new businesses and industry within the City.
4. Maintain a visitor's information center.
5. Promote, develop and assist the City in producing festivals, celebrations and events for the community and to attract visitors to the community to increase business for the local commercial establishments in addition to recreational activities for the citizens.
6. The Chamber will establish and maintain a website and allow the City to link to the website. The Chambers website will have the City's statistics and any other information that the City supplies to the Chamber.
7. Provide directory assistance for specific services and events.
8. Promotion of city events, school events and ministry events through social media.
9. Provide promotional services to any and all non-profit organizations.
10. Work on maintaining a community calendar.
11. To present quarterly reports to Council.

Therefore, the City will contribute \$2,000 per month to the Chamber for a one (1) year period and then will reconsider agreement. The City will assist the Chamber in accomplishing its goals of increasing tourism, commercial and industrial development.

This agreement is effective upon the approval of both parties.

This agreement is effective upon the approval of both parties.

PASSED AND APPROVED this ____ day of _____, 2017 by the City Council of the City of Los Fresnos.

CITY OF LOS FRESNOS

Polo Narvaez, Mayor

ATTEST:

Pam Denny, City Secretary

LOS FRESNOS AREA CHAMBER
OF COMMERCE

Chamber of Commerce President

ATTEST:

Chamber of Commerce Secretary

Attachment: chamber agreement (2291 : Service Agreements)

THE STATE OF TEXAS

CITY OF LOS FRESNOS

EMERGENCY MEDICAL SERVICE CONTRACT

This is a Contract and Agreement made and entered into on the date set forth preceding the signatures of the parties herein and the parties herein mutually agree as follows:

**I.
CONTRACT**

The parties to this Agreement are the **City of Los Fresnos, Texas** a municipal corporation located in Cameron County, Texas and the **Los Fresnos Ambulance Service, Inc.**, a non-profit corporation located in Cameron County, Texas. The City of Los Fresnos, Texas is hereinafter referred to as “City”, and the Los Fresnos Ambulance Service is hereinafter referred to as a “Provider”.

**II.
PROVISIONS OF CONTRACT**

During the term of this Agreement, the Provider agrees to furnish emergency medical services to the residents of the City within the limits of the City. The service will include non-emergency services. The Provider will be the exclusive provider for emergency and non-emergency medical services. In performing its obligations under this Agreement, the Provider agrees to answer all calls referred to it by agents or representatives of the City and/or any resident or tenant of the City who may be in need of medical services which the Provider undertakes to provide by this Agreement.

**III.
COMPENSATION**

The City agrees to pay the Provider the sum of \$100,000 for the fiscal year 2017-2018 for said services. The City agrees said sum is to be paid in quarterly installments of \$25,000 each on the following dates: December 1, March 1, June 1, and September 1.

The City further agrees to provide for the length of the contract insurance coverage to the Provider under the City’s existing insurance policies, and the Provider agrees to reimburse the City for all insurance premiums incurred and paid as a result of or on behalf of the Provider’s assets, property, and equipment. Such insurance needs include, without limitation and as examples only, Worker’s Compensation, General Liability, Vehicle Liability, and Error & Omissions. The City will provide 24 hours, 7 days per week dispatching service through the City’s Police Department. The City will provide water and sewer to the EMS station. The City will honor the original Lease Agreement dated February 16, 1990 between the City and the old Los Fresnos Community

Ambulance Service. It has a term of fifteen (15) years with lease renewal options each year thereafter up to ninety-nine (99) years. The City agrees to pay \$40,000 to buy out the lease of the current EMS facility as the new EMS facility is being built.

**IV.
REPORTS**

It is agreed that the Provider shall provide a written report every quarter summarizing said services rendered to the City during that period, with said report listing all calls by date and nature of call. The report shall be due January 5, April 5, July 5, and October 5.

**V.
TERM OF AGREEMENT**

The term of this Agreement shall be for one (1) year beginning October 1, 2017 and ending September 30, 2018, but as renewable as provided hereunder.

**VI.
TERMINATION OF RENEWAL**

If the City does not intend to renew this Agreement, the City shall provide the Provider written notice of its intent to terminate by United States Mail, return receipt requested, dated not later than July 1, 2018.

In the event neither part notifies the other of its intention not to renew this Contract, the parties may assume that this Contract will be renewed at the same terms and conditions as presently agreed upon in this Contract with the rate of \$100,000 per year.

Should either party intend to renegotiate this Contract, it shall notify the other in writing by United States Mail, return receipt requested, dated not later than July 1, 2018 and each succeeding year. If such negotiations have not been completed on or before the beginning of that fiscal year, both parties expressly agree to act in accordance with the terms and conditions of this Contract for a period of thirty (30) days. If during such time both parties fail to negotiate a new contract, the negotiation period shall terminate at the end of the thirtieth day of said period. However, the Contract obligations of both parties shall be extended an additional sixty (60) day period beyond the end of the negotiation period to allow the City to secure alternate services. At the end of this second period, this Contract shall terminate.

**VII.
FINANCIAL REPORTS AND AUDITS**

The Provider shall provide the City with an annual audit within a reasonable time.

Attachment: EMS agreement (2291 : Service Agreements)

**VIII.
ENTIRE AGREEMENT**

This Contract shall comprise the entire agreement between the parties hereto and any amendment shall be enforceable only after being reduced to writing, mutually executed by the parties hereto and attached hereto.

Executed in duplicate by the Mayor of the City and the President of the Provider, both of who are duly authorized to represent and bind said parties to the terms and conditions of the contract, as set forth.

CITY OF LOS FRESNOS

BY: _____
Polo Narvaez, Mayor

DATE: _____

Pam Denny, City Secretary

DATE: _____

LOS FRESNOS AMBULANCE SERVICE, INC.

BY: _____
President

DATE: _____

Secretary

DATE: _____

Attachment: EMS agreement (2291 : Service Agreements)

THE STATE OF TEXAS**CITY OF LOS FRESNOS****FIRE PROTECTION SERVICE CONTRACT**

This is a Contract and Agreement made and entered into on the date set forth preceding the signatures of the parties herein and the parties herein mutually agree as follows:

**I.
CONTRACT**

The parties to this Agreement are the **City of Los Fresnos, Texas**, a municipal corporation located in Cameron County, Texas and the **Los Fresnos Volunteer Fire Department, Inc.**, a non-profit corporation located in Cameron County, Texas. The City of Los Fresnos, Texas is hereinafter referred to as "City", and the Los Fresnos Volunteer Fire Department, Inc. is hereinafter referred to as "Provider".

**II.
PROVISIONS OF CONTRACT**

During the term of this Agreement, the Provider agrees to furnish fire fighting services defined as the use of personnel and equipment to extinguish and suppress fires or to handle "hazardous incidents" or "confined space rescue", or rescue operations including vehicle accident extrication, and bee attacks only, but not the prevention of fires or related training, education, maintenance, communications, or administration and other related matters to the City. In performing its obligations under this Agreement, the Provider agrees to answer all calls referred to it by agents or representative of the City and/or any resident or tenant of the City who may be in need of fire fighting or rescue service which the Provider undertakes to provide by this Agreement.

**III.
COMPENSATION**

The City agrees to pay the Provider the sum of \$75,000 for the fiscal year 2017-2018 for said services. The City agrees said sum is to be paid in quarterly installments of \$18,750 each on the following dates: December 1, March 1, June 1, and September 1.

The City further agrees to provide for the length of the contract worker's compensation insurance coverage, at the City's cost, to all members of the Provider while they are acting in the course and scope of their duties as fire fighters hereunder. The City further agrees to provide insurance coverage to the Provider under the City's existing insurance policies, and the Provider agrees to reimburse the City for all insurance premiums incurred and paid as a result of or on behalf of the Provider's assets, property, and equipment. The City further agrees to assist the Provider with a donation procedure by

placing an option on each monthly water bill to each water customer of the City. Each customer may choose to donate \$1.00 or more per month to the Provider. The City will collect such donations and remit them to the Provider each quarter on the following dates: October, November and December on January 15, January, February, and March on April 15, April, May, and June on July 15, and July, August, and September on October 15. The City will provide 24 hours, 7 days per week dispatching through the City’s Police Department. The city will provide water for firefighting services as well as water and sewer to the fire station. The City agrees to pay \$60,000 to buy out the lease of the current fire facility as the new fire facility is being built.

**IV.
REPORTS**

It is agreed that the Provider shall provide a written report every quarter summarizing said services rendered to the City during that period, with said report listing all calls by date, location, and nature of call. The report shall be due January 5, April 5, July 5, and October 5.

**V.
TERM OF AGREEMENT**

The term of this agreement shall be for one (1) year, beginning October 1, 2017, and ending September 30, 2018, but as renewable as provided hereunder.

**VI.
TERMINATION OF RENEWAL**

If the City does not intend to renew this Agreement, the City shall provide the Provider written notice of its intent to terminate by United States Mail, return receipt requested, dated not later than July 1, 2018.

In the event neither party notifies the other of its intention not to renew this Contract, the parties may assume that this Contract will be renewed at the same terms and conditions as presently agreed upon in this Contract with the rate of \$75,000 per year.

Should either party intend to renegotiate this Contract, it shall notify the other in writing by United States Mail, return receipt requested, dated not later than July 1, 2018 and each succeeding year. If such negotiations have not been completed on or before the beginning of that fiscal year, both parties expressly agree to act in accordance with the terms and conditions of this Contract for a period of thirty (30) days. If during such time both parties fail to negotiate a new Contract, the negotiation period shall terminate at the end of the thirtieth day of said period. However, the Contract obligations of both parties shall be extended an additional sixty (60) day period beyond the end of the negotiation period to allow the City to secure alternate services. At the end of this second period, this Contract shall terminate.

Attachment: Fire agreement (2291 : Service Agreements)

**VII.
FINANCIAL REPORTS AND AUDITS**

The Provider shall provide the City with an annual audit within a reasonable time.

**VIII.
ENTIRE AGREEMENT**

This Contract shall comprise the entire agreement between the parties hereto and any amendment shall be enforceable only after being reduced to writing, mutually executed by the parties hereto and attached hereto.

Executed in duplicate by the Mayor of the City and the President of the Provider, both of who are duly authorized to represent and bind said parties to the terms and conditions of the Contract, as set forth.

CITY OF LOS FRESNOS

BY: _____
Polo Narvaez, Mayor

DATE: _____

Pam Denny, City Secretary

DATE: _____

LOS FRESNOS VOLUNTEER FIRE DEPARTMENT, INC.

BY: _____
President

DATE: _____

Secretary

DATE: _____

Attachment: Fire agreement (2291 : Service Agreements)

**CITY OF LOS FRESNOS
AGENCY SERVICES AGREEMENT**

This agreement, between the City of Los Fresnos (“City”) and the Boys & Girls Club of Los Fresnos (“the Agency”), constitutes the official and exclusive agreement between the City and the Agency for the delivery of the below stated services, during the agreement period from October 1, 2017 through September 30, 2018. Funds provided by the City to the Agency for services rendered are to be considered payment for these specific services, and are not to be construed in any manner as a contribution or donation. The amount to be paid for these services during the service period shall be \$40,000 to be paid on a quarterly basis of \$10,000 per quarter. This amount shall constitute full payment for all services to be rendered and not an amount beyond this payment shall be made unless approved by the City Council of the City. Should the Agency not deliver any significant portion of the services then the Agency shall reimburse the City for payment rendered on a prorated basis for the remainder of the agreement period. Such reimbursement shall be provided to the City within thirty (30) days from cessation of services. Once a year, in the month of July, the Agency must furnish a report of their activities.

The following services shall be rendered by the Agency during the agreement period:

- 1. Tutoring
- 2. Arts & Crafts
- 3. Sports & Recreation (flag football, basketball, and volleyball)

Additional services provided shall be stated on attached addendum.

This agreement is entered into this ___ day of _____, 2017.

Polo Narvaez, Mayor
City of Los Fresnos

Director
Boys & Girls Club of Los Fresnos

ATTEST:

Pam Denny, City Secretary

President

Attachment: Boys and Girls agreement (2291 : Service Agreements)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Ordinances
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

REVIEWED

ACTION ITEM (ID # 2311)

DOC ID: 2311 A

Consideration and ACTION to approve the first reading of Ordinance 486 for regulating the physical use, occupancy and maintenance of city rights-of-way by wireless network providers.

This is a requirement to meet the new state law that allows network nodes to be placed in city right-of-ways. This is what TML suggests to utilize. We already have a company wanting to put these up.

I recommend approval.

ORDINANCE NO. 486

A PUBLIC RIGHT-OF-WAY MANAGEMENT ORDINANCE BY THE CITY OF LOS FRESNOS, TEXAS; REGULATING THE PHYSICAL USE, OCCUPANCY AND MAINTENANCE OF CITY RIGHTS-OF-WAY BY WIRELESS NETWORK PROVIDERS; DESCRIBING THE PURPOSE; PROVIDING DEFINITIONS; REQUIRING COMPLIANCE WITH THE CITY DESIGN MANUAL AND APPLICABLE CODES FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES PURSUANT TO CHAPTER 284 OF THE TEXAS LOCAL GOVERNMENT CODE; PROVIDING CITY PROCEDURES FOR APPLICATIONS FOR PERMITS; ESTABLISHING TIME PERIODS FOR APPROVAL OF PERMIT APPLICATIONS; PROVIDING APPLICATION FEES AND ANNUAL PUBLIC RIGHT-OF-WAY RENTAL RATES; PROVIDING RESTRICTIONS ON PLACEMENT OF NETWORK NODES AND NODE SUPPORT POLES IN MUNICIPAL PARKS, RESIDENTIAL AREAS, HISTORIC DISTRICTS AND DESIGN DISTRICTS; PROVIDING INDEMNITY FOR THE CITY; PROVIDING REPEALING AND SAVINGS CLAUSES; PROVING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by _____ that the Ordinance be finally passed and adopted in accordance with the City's Home Rule Charter. The motion was seconded by _____ and carried by the following voted:

Mayor Polo Narvaez	___ For ___ Against ___ Abstained
Councilmember Yolanda H. Cruz	___ For ___ Against ___ Abstained
Councilmember Swain Real	___ For ___ Against ___ Abstained
Mayor Pro-tem Javier Mendez	___ For ___ Against ___ Abstained
Councilmember Bibi Garza	___ For ___ Against ___ Abstained
Councilmember Juan Munoz	___ For ___ Against ___ Abstained

Attachment: right-of-way use by network nodes (2311 : Ordinance on wireless network providers)

WHEREAS, the City of Los Fresnos, Texas (“City”) recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities; and

WHEREAS, Chapter 284 of the Texas Local Government Code (“the Code”) allows certain wireless network providers to install in the City’s public rights-of-way their wireless facilities, described and defined in Section 284.002 of the Code as “Micro Network Nodes”, “Network Nodes”, and “Node Support Poles;” and

WHEREAS, as expressly allowed by Section 284.108 of the Code and pursuant to its police power authority reserved in Sec. 284.301 of the Code, the City has enacted a *Design Manual for the Installation of Network Nodes and Node Support Poles* (“the Design Manual”) in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications network providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment; and

WHEREAS, the City Council desires to regulate the installation of Network Nodes and Network Support Poles pursuant to Chapter 284 of the Code in a way that is fair, reasonable and nondiscriminatory.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF LOS FRESNOS, TEXAS THAT:

SECTION I
FINDINGS OF FACT

The forgoing recitals are incorporated into this Right-of-Way Management Ordinance as findings of fact.

SECTION II.
USE OF PUBLIC RIGHTS-OF-WAY

§ 1.01 PURPOSE.

The purpose of this chapter is to:

Attachment: right-of-way use by network nodes (2311 : Ordinance on wireless network providers)

(A) Assist the City in the competitively neutral and nondiscriminatory management of the physical use, occupancy and maintenance of its public rights-of-way by wireless network providers;

(B) Secure fair and reasonable compensation for the physical use and occupancy of the public rights-of-way by wireless network providers in a nondiscriminatory and competitively neutral manner; and

(C) Assist the City in protecting the public health, safety, and welfare.

§ 1.02 GOVERNING LAW.

This chapter shall be construed in accordance with Chapter 284 of the Texas Local Government Code (“the Code”) to the extent not in conflict with the Constitution and laws of the United States or of the State of Texas.

§ 1.03 DEFINITIONS.

For the purpose of this chapter, the definitions found in the *City Design Manual for the Installation of Network Nodes and Node Support Poles* (“the Design Manual”) are hereby incorporated into this chapter and shall apply unless the context clearly indicates or requires a different meaning. The following definitions as found in the Design Manual are specifically applicable to this chapter:

Applicable codes means:

- (A) the City uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (B) local amendments to those codes to the extent not inconsistent with Chapter 284.

City means the City of Los Fresnos, Texas or its lawful successor.

City Council means the municipal governing body of the City of Los Fresnos, Texas.

Chapter 284 means Texas Local Government Code, Chapter 284.

Code means the Texas Local Government Code.

Collocate and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of Network Nodes in a public right-of-way on or adjacent to a pole.

Attachment: right-of-way use by network nodes (2311 : Ordinance on wireless network providers)

Decorative pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory City codes and ordinances.

Design District means an area that is zoned, or otherwise designated by municipal code, and for which the City maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

Easement means and shall include any public easement or other compatible use created by dedication, or by other means, to the City for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

Federal Communications Commission or FCC means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

Highway right-of-way means right-of-way adjacent to a state or federal highway.

Law means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

Local means within the geographical boundaries of the City.

Location means the City-approved and lawfully permitted location for the Network Node.

Micro network node means a Network Node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Municipal park means an area that is zoned or otherwise designated by the City as a public park for the purpose of recreational activity.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

- (A) includes:
 - (i) equipment associated with wireless communications;
 - (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
 - (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and
- (B) does not include:
 - (i) an electric generator;
 - (ii) a pole; or
 - (iii) a macro tower

Network provider means:

- (A) a wireless service provider; or
- (B) a person that does not provide wireless services and that is not an electric utility but

Attachment: right-of-way use by network nodes (2311 : Ordinance on wireless network providers)

builds or installs on behalf of a wireless service provider:

- (i) Network Nodes; or
- (ii) Node Support Poles or any other structure that supports or is capable of supporting a network node.

Node support pole means a pole installed by a network provider for the primary purpose of supporting a Network Node.

Permit means a written authorization for the use of the public right-of-way or collocation on a service pole required from the City before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

Pole means a service pole, City-owned utility pole, node support pole, or utility pole.

Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Provider has the same meaning as “Network Provider.”

Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the City has an interest. The term does not include:

- (A) a private easement; or
- (B) the airwaves above a public right-of-way with regard to wireless telecommunications.

Service pole means a pole, other than a City-owned utility pole, owned or operated by the City and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

Street means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A “Street” is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements. A “Street” does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

Traffic Signal means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a Network Node directly to the network, for the purpose of providing backhaul for network nodes.

User means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

Utility pole means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Chapter 284, Section 51.002, Utilities Code.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a Network Node.

Wireless service provider means a person that provides wireless service to the public.

Wireless facilities mean “Micro Network Nodes,” “Network Nodes,” and “Node Support Poles” as defined in Texas Local Government Code, Chapter 284.

§ 1.04 USE AND OCCUPANCY OF PUBLIC RIGHTS-OF-WAY.

Pursuant to this chapter and subject to the Design Manual and the Code, a wireless network provider has the nonexclusive right to use and occupy the public rights-of-way in the City for the purpose of constructing, maintaining, and operating its facilities used in the provision of Wireless facilities.

The terms of this chapter shall apply to all wireless network providers’ facilities used, in whole or part, in the provision of wireless services throughout the City, including any annexed areas upon the effective date of annexation or the date the City provides the company written notice, whichever date occurs later.

§ 1.05 COMPLIANCE WITH DESIGN MANUAL AND APPLICABLE CODES.

All wireless network providers shall comply with the terms of this right-of-way management ordinance, City applicable codes, and the terms and conditions of the City’s Design Manual.

§ 1.06 GENERAL CONSTRUCTION AND MAINTENANCE REQUIREMENTS.

A network provider shall construct and maintain Network Nodes and Network Support Poles described in the Code in a manner that does not:

- (A) Obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
- (B) Obstruct the legal use of a public right-of-way by other utility providers;
- (C) Violate nondiscriminatory applicable codes;

Attachment: right-of-way use by network nodes (2311 : Ordinance on wireless network providers)

- (D) Violate or conflict with the City’s publicly disclosed public right-of-way design specifications;
or
(E) Violate the federal Americans with Disabilities Act of 1990 (ADA).

§ 1.07 PERMIT APPLICATIONS.

- (A) Except as otherwise provided in Chapter 284 of the Code, a network provider shall obtain a permit or permits from the City to install a Network Node, Node Support Pole, or Transport Facility in a City public right-of-way.
- (B) As required by Chapter 284 of the Code, the City shall not require a network provider to perform services for the City for which the permit is sought.
- (C) A network provider that wants to install or collocate multiple Network Nodes inside the municipal limits of the City is entitled to file a consolidated permit application with the City for not more than 30 Network Nodes and upon payment of the applicable fee(s), receive a permit or permits for the installation or collocation of those Network Nodes.
- (D) The network provider shall provide the following information in its permit applications:
- (1) Applicable construction and engineering drawings and information to confirm that the applicant will comply with the City’s Design Manual and applicable codes;
 - (2) Any additional information reasonably related to the network provider’s use of the public rights-of-way to ensure compliance with the Design Manual and this chapter;
 - (3) A certificate that the Network Node(s) complies with applicable regulations of the Federal Communications Commission; and certification that the proposed Network Node(s) will be placed into active commercial service by or for the network provider not later than the 60th day after the date of construction and final testing of each Network Node is completed.
 - (4) A certificate of insurance that provides that the Network Provider and its contractor has at least \$1,000,000.00 in general liability coverage.
- (E) **Exception:** As provided in Section 284.157 of the Code, a network provider is not required to apply, obtain a permit, or pay a rate to the City for:
- (1) Routine maintenance that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way;

- (2) Replacing or upgrading a Network Node or Network Pole with a node or pole that is substantially similar in size or smaller and that does not require excavation or closing of sidewalks or vehicular lanes in a public right-of-way; or
- (3) The installation, placement, maintenance, operation, or replacement of Micro Network Nodes that are strung on cables between existing poles or Node Support Poles in compliance with the National Electrical Safety Code;
- (4) Notwithstanding Subdivision (D) above, the network provider or its contractors shall notify the City at least 24 hours in advance of work described in this Subdivision (D).

§ 1.08 INSTALLATION IN MUNICIPAL PARKS AND RESIDENTIAL AREAS

A network provider may not install a new Node Support Pole in a public right-of-way without the City Council’s discretionary, nondiscriminatory and written consent if the public right-of way:

- (1) Is in a municipal park; or
- (2) Is adjacent to a street or thoroughfare that is:
 - i. Not more than 50 feet wide; and
 - ii. Adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.
- (3) In addition to the above, a network provider installing a Network Node or Node Support Pole in a public right-of way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.
- (4) The network provider shall be further required to comply with guidelines set out in the City’s Design Manual.

§ 1.09 MUNICIPAL REVIEW PROCESS BY THE CTIY.

(A) **Determination of Application Completeness:** The City shall determine whether the permit application is complete and notify the applicant of that determination:

- (1) *For Network Nodes and Note Support Poles:* no later than 30 days after the date the City receives the permit application.
- (2) *For a Transport Facility:* no later than 10 days after the date the City receives the permit application.

Attachment: right-of-way use by network nodes (2311 : Ordinance on wireless network providers)

(B) **Approval or Denial of Application:** The City shall approve or deny a completed application after the date it is submitted to the City:

- (1) *For Network Nodes:* No later than 60 days after the date the City receives the complete application.
- (2) *For Network Support Poles:* No later than 150 days after the date the City receives the complete application.
- (3) *For Transport Facilities:* No later than 21 days after the City receives the complete application.

(C) **Basis for Denial of Application:** If an application is denied by the City, it shall document the basis for the denial, including the specific applicable City code provisions or other City rules, regulations, or other law on which the denial is based. The documentation for the denial must be sent by electronic mail to the applicant on or before the date that the City denies the application.

(D) **Resubmission of Denied Application:** The applicant may cure the deficiencies identified in the denial application.

- (1) The applicant has 30 days from the date the City denies the completed application to cure the deficiencies identified in the denial documentation without paying an additional application fee, other than any fee for actual costs incurred by the City.
- (2) The City shall approve or deny the revised completed application after a denial not later than the 90th day after the City receives the revised completed application. The City’s review shall be limited to the deficiencies cited in the denial documentation.

(E) **Nondiscriminatory Review:** Each completed application shall be processed by the City on a nondiscriminatory basis.

§ 1.10 TIME OF INSTALLATION.

A network provider shall begin installation for which a permit is granted not later than six months after final approval of the application and shall diligently pursue installation to completion. The City Manager may in his/her sole discretion grant reasonable extensions of time as requested by the network provider.

Attachment: right-of-way use by network nodes (2311 : Ordinance on wireless network providers)

§ 1.11 APPLICABLE FEES AND RENTAL RATES TO THE CITY.

(A) As compensation for the network provider's use and occupancy of the City public rights-of-way, the network provider shall pay application fees and annual public right-of-way rental rates as set forth below, which shall be in lieu of any lawful tax, license, charge, right-of-way permit, use, construction, street cut or inspection fee; or other right-of-way related charge or fee, whether charged to the network provider or its contractor(s) within the City, except the usual general ad valorem taxes, special assessments and sales tax levied in accordance with state law and equally applicable to all general businesses in the City.

(B) **Network Nodes:**

- (1) **Application Fee:** The application fee is in fee schedule for each Network Node for up to but not more than 30 Network Nodes.
- (2) **Annual Public Right-of-Way Rate Fee:** The annual public right-of-way rate is in fee schedule and is per Network Node installed in the City public rights-of-way.
- (3) **Public Right-of-Way Rate Adjustment:** As provided in Section 284.054 of the Code, the City may adjust the amount of the annual public right-of-way rate not more than annually by an amount equal to one-half the annual change, if any, in the Consumer Price Index (CPI). The City shall provide written notice to each network provider of the new rate; and the rate shall apply to the first payment due to the City on or after the 60th day following the written notice.

(C) **Node Support Poles:**

- (1) The application fee for each Network Support Pole is in fee schedule.

(D) **Transfer Facilities:**

- (1) The application fee for each Transfer Facility is in fee schedule.
- (2) The annual Transfer Facility rental rate is in fee schedule and fee is monthly for each Network Node site located in a public right-of-way. However, no rate is required if the network provider is already paying the City an amount equal to or greater than the amount of other City right-of-way fees for access lines under Chapter 283 of the Code or cable franchise fees under Chapter 66 of the Texas Utility Code.

(E) **Micro Network Nodes:**

Attachment: right-of-way use by network nodes (2311 : Ordinance on wireless network providers)

(1) No application fee is required for a Micro Network Node if the installation is attached on lines between poles or node support poles.

(F) Collocation of Network Nodes on Service Poles

(1) Subject to the City’s Pole Service Agreement, the collocation of Network Nodes on City service poles is in fee schedule as is per year per service pole.

(G) City-Owned Municipal Utility Poles:

(1) A network provider shall pay an annual pole attachment rate for the collocation of a Network Node supported by or installed on a City-owned utility pole based upon the pole attachment rate consistent with Section 54.024 of the Texas Utilities Code, applied on a per-foot basis.

(H) The City shall not seek or accept in-kind services in lieu of or as additional payment or consideration from any user of the public rights-of-way for use of the public rights-of-way.

§ 1.12 INDEMNITY.

As provided in Section 284.302 of the Code, a wireless Network Provider shall indemnify, defend, and hold the City harmless from and against all liability, damages, cost, and expense, including reasonable attorney's fees, arising from injury to person or property proximately caused by the negligent act or omission of the Network Provider. The City shall promptly notify the Network Provider of any claims, demands, or actions ("claims") covered by this indemnity after which the Network Provider shall defend the claims. The Network Provider shall have the right to defend and compromise the claims. The City shall cooperate in the defense of the claims. The foregoing indemnity obligations shall not apply to claims arising solely from the negligence of City; however, they shall apply in the case of all claims which arise from the joint negligence of the Network Provider and the City; provided that in such cases, the amount of the claims for which the City shall be entitled to indemnification shall be limited to that portion attributable to the Network Provider. Nothing in this section shall be construed as waiving any governmental immunity available to the City under state law or waiving any defenses of the parties under state law.

§ 1.13 EFFECT ON OTHER UTILITIES AND TELECOMMUNICATION PROVIDERS.

Attachment: right-of-way use by network nodes (2311 : Ordinance on wireless network providers)

SECTION III.
REPEALING ALL ORDINANCES IN CONFLICT

All other ordinances or parts of ordinances inconsistent or in conflict herewith, or to the extent of such inconsistency or conflict are hereby repealed.

SECTION IV.
SAVINGS CLAUSE

This City Council of the City of Los Fresnos, Texas does hereby declare that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declare that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

SECTION V.
COMPLIANCE WITH OPEN MEETINGS ACT

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

SECTION VI.
EFFECTIVE DATE.

This Ordinance shall become effective after publication of caption of ordinance as required by City Charter.

INTRODUCED AND APPROVED on the first reading this ____ day of _____ 2017.

APPROVED AND PASSED on the second reading this ____ day of _____, 2017.

Polo Narvaez, Mayor

ATTEST:

Pam Denny, City Secretary

Attachment: right-of-way use by network nodes (2311 : Ordinance on wireless network providers)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Ordinances
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

REVIEWED

ACTION ITEM (ID # 2315)

DOC ID: 2315 A

Consideration and ACTION to approve the first reading of Ordinance 487 approving a design manual for installation of network nodes and node support poles; and approving a pole attachment agreement regulating the installation of network nodes on city service poles and utility poles due to SB 1004.

This is a requirement to meet the new state law that allows network nodes to be placed in city right-of-ways. This is what TML suggests to utilize. We already have a company wanting to put these up.

I recommend approval.

ORDINANCE NO. 487

AN ORDINANCE BY THE CITY OF LOS FRESNOS, TEXAS, APPROVING A DESIGN MANUAL FOR THE INSTALLATION OF NETWORK NODES AND NODE SUPPORT POLES; AND APPROVING A POLE ATTACHMENT AGREEMENT REGULATING THE INSTALLATION OF NETWORK NODES ON CITY SERVICE POLES AND UTILITY POLES; DECLARING GOVERNING LAW; PROVIDING REPEALING AND SAVINGS CLAUSES; PROVIDING A TEXAS OPEN MEETINGS ACT CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by _____ that the Ordinance be finally passed and adopted in accordance with the City’s Home Rule Charter. The motion was seconded by _____ and carried by the following voted:

Mayor Polo Narvaez	___ For ___ Against ___ Abstained
Councilmember Yolanda H. Cruz	___ For ___ Against ___ Abstained
Councilmember Swain Real	___ For ___ Against ___ Abstained
Mayor Pro-tem Javier Mendez	___ For ___ Against ___ Abstained
Councilmember Bibi Garza	___ For ___ Against ___ Abstained
Councilmember Juan Munoz	___ For ___ Against ___ Abstained

WHEREAS, the City of Los Fresnos, Texas (“City”) recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities; and

WHEREAS, Chapter 284 of the Texas Local Government Code (“the Code”) allows certain wireless network providers to install in the public rights-of-way their wireless facilities, described and defined in Section 284.002 of the Code as “Micro Network Nodes”, “Network Nodes”, and “Node Support Poles;” and

WHEREAS, as expressly allowed by Section 284.108 of the Code and pursuant to its police power authority reserved in Sec. 284.301 of the Code, the City desires to enact a *Design Manual by the City of Los Fresnos, Texas for the Installation of Network Nodes and Node Support Poles* (“the Design Manual”) in order to meet its fiduciary duty to the citizens of the City, and to

Attachment: installation of network nodes (2315 : Design manual for network nodes)

give assistance and guidance to wireless telecommunications network providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment; and

WHEREAS, the City Council desires to approve a *Pole Attachment Agreement* by which wireless telecommunication network providers may attach and collocate their network nodes on city service and utility poles subject to the Code, the Design Manual, and the City Right-of-Way Management Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF LOS FRESNOS, TEXAS THAT:

**SECTION I
FINDINGS OF FACT**

The forgoing recitals are incorporated into this Ordinance as true and correct findings of fact.

**SECTION II.
APPROVING DESIGN MANUAL**

The City Council hereby approves the *Design Manual by the City of Los Fresnos, Texas for the Installation of Network Nodes and Node Support Poles*, which is attached here as Exhibit "A."

**SECTION III.
APPROVING POLE ATTACHMENT AGREEMENT**

The City Council hereby approves the *Pole Attachment Agreement*, which is attached here as Exhibit "B."

**SECTION IV.
GOVERNING LAW**

This Ordinance shall be construed in accordance with Chapter 284 of the Texas Local Government Code ("the Code") to the extent not in conflict with the Constitution and laws of the United States or of the State of Texas.

Attachment: installation of network nodes (2315 : Design manual for network nodes)

**SECTION V.
REPEALING ALL ORDINANCES IN CONFLICT**

All other ordinances or parts of ordinances inconsistent or in conflict herewith, or to the extent of such inconsistency or conflict are hereby repealed.

**SECTION VI.
SAVINGS CLAUSE**

This City Council of the City of Los Fresnos, Texas does hereby declares that if any section, subsection, paragraph, sentence, clause, phrase, work or portion of this Ordinance is declared invalid, or unconstitutional, by a court of competent jurisdiction, that, in such event that it would have passed and ordained any and all remaining portions of this Ordinance without the inclusion of that portion or portions which may be so found to be unconstitutional or invalid, and declare that its intent is to make no portion of this Ordinance dependent upon the validity of any portion thereof, and that all said remaining portions shall continue in full force and effect.

**SECTION V.
COMPLIANCE WITH OPEN MEETINGS ACT**

It is hereby officially found and determined that the meeting at which this Ordinance was considered was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

**SECTION VI.
EFFECTIVE DATE.**

This Ordinance shall become effective after publication of caption as required by City Charter.

Attachment: installation of network nodes (2315 : Design manual for network nodes)

INTRODUCED AND APPROVED on the first reading the ____ day of _____, 2017.

APPROVED AND PASSED on the second reading this ____ day of _____, 2017.

Polo Narvaez, Mayor

ATTEST:

Pam Denny, City Secretary

Attachment: installation of network nodes (2315 : Design manual for network nodes)

Design Manual by the City of LOS FRESNOS, Texas

for the

*Installation of Network Nodes and Node Support Poles
pursuant to Tex. Loc. Gov. Code, Chapter 284.*

Attachment: design manual part 1 (2315 : Design manual for network nodes)

Table of Contents

SECTION 1. PURPOSE AND APPLICABILITY..... 3

SECTION 2. DEFINITIONS..... 3

SECTION 3. PROHIBITED AND PREFERRED LOCATIONS OF MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.....7

SECTION 4. GUIDELINES ON PLACEMENT.....10

SECTION 5. GENERAL AESTHETIC REQUIREMENTS.....15

SECTION 6. ELECTRICAL SUPPLY.....16

SECTION 7. INSURANCE, INDEMNITY, BONDING AND SECURITY DEPOSITS.....16

SECTION 8. REQUIREMENTS IN REGARD TO REMOVAL, REPLACEMENT, REPLACEMENT, MAINTENANCE AND REPAIR.....17

SECTION 9. INSTALLATION AND INSPECTIONS19

SECTION 10. REQUIREMENTS UPON ABANDONMENT OF OBSOLETE MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.19

SECTION 11. GENERAL PROVISIONS20

SECTION 12. ADMINISTRATIVE HEARING – REQUEST FOR EXEMPTION.....22

SECTION 13-19 RESERVED23

SECTION 20. DESIGN MANUAL - UPDATES.....23

Attachment: design manual part 1 (2315 : Design manual for network nodes)

SECTION 1. PURPOSE AND APPLICABILITY.

The City of Los Fresnos, Texas (“City”) recognizes that the State of Texas has delegated to the City the fiduciary duty, as a trustee, to manage the public right-of-way for the health, safety, and welfare of the public to Texas municipalities.

Purpose: Loc. Gov. Code, Chapter 284 allows certain wireless Network Providers to install in the public rights-of-way their wireless facilities, described and defined in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 as “Micro Network Nodes”, “Network Nodes”, and “Node Support Poles”.

As expressly allowed by Tex. Loc. Gov. Code, Chapter 284, Section 284.108, and pursuant to its police power authority reserved in Sec. 284.301¹, the City enacts these Design Guidelines in order to meet its fiduciary duty to the citizens of the City, and to give assistance and guidance to wireless telecommunications providers to assist such companies in the timely, efficient, safe and aesthetically pleasing installation of technologically competitive equipment.

Applicability: This Design Manual is for siting and criteria for the installation Wireless Facilities, including Micro Network Nodes, Network Nodes, Node Support Poles and related ground equipment being installed pursuant to Loc. Gov. Code, Chapter 284

This Design Manual shall apply to any sitings, installations, collocations in, on, over or under the public rights-of-way of Network nodes, Node support poles, Micro network nodes, Distributed Antenna Systems, microwave communications or other Wireless Facilities, by whatever nomenclature, whether they are installed pursuant to Chapter 284, or installed pursuant to an agreement as agreed to and consented to by the City in its discretion, or installed as may otherwise be allowed by state law.

City Rights-of-Way Management Ordinance: A Network Provider shall comply with the City’s Rights-of-Way Management Ordinance except where in conflict with this Design Manual or Chapter 284, Subchapter C.

SECTION 2. DEFINITIONS.

The definitions as used in Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in this Design Manual, unless otherwise noted in this Section 2, below.²

Abandon and its derivatives means the facilities installed in the right-of-way (including by way of example but not limited to: poles, wires, conduit, manholes, handholes, cuts, network nodes and node support poles, or portion thereof) that have been left by Provider in an unused or non-functioning condition for more than 120 consecutive calendar days unless, after notice to Provider, Provider has established to the reasonable satisfaction of the City that the applicable facilities, or portion thereof, is still in active use.

Antenna means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

Applicable codes means:

- (A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and
- (B) local amendments to those codes to the extent not inconsistent with Chapter 284.

City means the City of Los Fresnos, Texas or its lawful successor.

City Council means the municipal governing body of the City of Los Fresnos, Texas.

Chapter 284 means Tex. Loc. Gov. Code, Chapter 284.

Collocate and *collocation* mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

Concealment or Camouflaged means any Wireless Facility or Pole that is covered, blended, painted, disguised, camouflaged or otherwise concealed such that the Wireless Facility blends into the surrounding environment and is visually unobtrusive as allowed as a condition for City advance approval under Chapter 284, Sec. 284.105 in Districts. A Concealed or Camouflaged Wireless Facility or Pole also includes any Wireless Facility or Pole conforming to the surrounding area in which the Wireless Facility or Pole is located and may include, but is not limited to hidden beneath a façade, blended with surrounding area design, painted to match the supporting area, or disguised with artificial tree branches.

Decorative pole means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

Design District means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

Disaster emergency or *disaster* or *emergency* means an imminent, impending, or actual natural or humanly induced situation wherein the health, safety, or welfare of the residents of the city is threatened, and includes, but is not limited to any declaration of emergency by city state or federal governmental authorities.

Distributed Antenna System or DAS shall be included as a type of "Network Node."

Easement means and shall include any public easement or other compatible use created by dedication, or by other means, to the city for public utility purposes or any other purpose whatsoever. "Easement" shall include a private easement used for the provision of utilities.

Federal Communications Commission or FCC means the Federal Administrative Agency, or lawful successor, authorized to oversee cable television and other multi-channel regulation on a national level.

Highway right-of-way means right-of-way adjacent to a state or federal highway.

Law means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

Local means within the geographical boundaries of the City.

Location means the City approved and lawfully permitted location for the Network Node.

Macro tower means a guyed or self-supported pole or monopole greater than the height parameters prescribed by Chapter 284, Section 284.103 and that supports or is capable of supporting antennas.

Micro network node means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Municipal park means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

Municipally owned utility pole means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

MUTCD means Manual of Uniform Traffic Control Devices.

Network node means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

- (i) equipment associated with wireless communications;
- (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
- (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

- (i) an electric generator;
- (ii) a pole; or
- (iii) a macro tower

Network provider means:

- (A) a wireless service provider; or
- (B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:
 - (i) network nodes; or
 - (ii) node support poles or any other structure that supports or is capable of supporting a network node.

Node support pole means a pole installed by a network provider for the primary purpose of supporting a network node.

Permit means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

Pole means a service pole, municipally owned utility pole, node support pole, or utility pole.

Private easement means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

Provider has the same meaning as “Network Provider.”

Public right-of-way means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

- (A) a private easement; or
- (B) the airwaves above a public right-of-way with regard to wireless telecommunications.

Public right-of-way management ordinance means an ordinance that complies with Chapter 284, Subchapter C.

SCADA or Supervisory Control and Data Acquisition systems means a category of software application programs and hardware used by the City for process control and gathering of data in real time from remote locations in order to monitor equipment and conditions of the City public water and wastewater utility facilities. These systems may utilize both cable and wireless communications.

Service pole means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

Small cell shall be included as a type of “Network Node.”

Street means only the paved portion of the right-of-way used for vehicular travel, being the area between the inside of the curb to the inside of the opposite curb, or the area between the two parallel edges of the paved roadway for vehicular travel where there is no curb. A “Street” is generally part of, but smaller in width than the width of the entire right-of-way, while a right-of-way may include sidewalks and utility easements, a “Street” does not. A “street” does not include the curb or the sidewalk, if either are present at the time of a permit application or if added later.

SWPPP shall mean Storm Water Pollution Prevention Plan.

TAS means Texas Accessibility Standards.

Traffic Signal means any device, whether manually, electrically, or mechanically operated by which traffic is alternately directed to stop and to proceed.

Transport facility means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

Underground Requirement Area shall mean means an area where poles, overhead wires, and associated overhead or above ground structures have been removed and buried or have been approved for burial underground pursuant to municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way.

User means a person or organization which conducts a business over facilities occupying the whole or a part of a public street or right-of-way, depending on the context.

Utility pole means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Chapter 284, Section 51.002, Utilities Code.

Wireless service means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

Wireless service provider means a person that provides wireless service to the public.

Wireless facilities mean “Micro Network Nodes,” “Network Nodes,” and “Node Support Poles” as defined in Texas Local Government Code Chapter 284.

SECTION 3. PROHIBITED AND PREFERRED LOCATIONS OF MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

A. Prohibited or Restricted Areas for Certain Wireless facilities, except with Separate City Agreement or Subject to Concealment Conditions.

1. *Municipal Parks and Residential Areas.* In accordance with Chapter 284, Sec. 284.104 (a), a Network Provider may not install a Node Support Pole in a public right-of-way without the City's discretionary, nondiscriminatory, and written consent if the public right-of-way is in a Municipal park or is adjacent to a street or thoroughfare that is:

a. not more than 50 feet wide of paved street surface, being the area measured as the shortest distance between the inside of the curb to the inside of the opposite curb, or the area

measured as the shortest distance between the two parallel edges of the paved roadway for vehicular travel where there is no curb; and

b. adjacent to single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

1.1 In accordance with Chapter 284, Sec. 284.104 (b), a Network Provider installing a Network Node or Node Support Pole in a public right-of-way described above shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

1.2 Each permit application shall disclose if it is within a Municipal Park and Residential Areas as described above.

2. **Historic District and Design Districts.** In accordance with Chapter 284, Sec. 284.105, a Network Provider must obtain advance written approval from the City before collocating Network Nodes or installing Node Support Poles in a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

2.1. As a condition for approval of Network Nodes or Node Support Poles in Design Districts with Decorative Poles or in a Historic District, the City shall require reasonable design or Concealment measures for the Network Nodes or Node Support Poles. Therefore, any request for installations in a Design District with Decorative Poles or in a Historic District, must be accompanied with proposed Concealment measures in the permit applications.

2.2. The City request that a Network Provider explore the feasibility of using Camouflage measures to improve the aesthetics of the Network Nodes, Node Support Poles, or related ground equipment, or any portion of the nodes, poles, or equipment, to minimize the impact to the aesthetics in Design Districts or in an Historic District.

2.3. A Network Provider shall comply with and observe all applicable City, State, and federal historic preservation laws and requirements.

2.4. Each permit application shall disclose if it is within a Design District with Decorative Poles or in an area of the City zoned or otherwise designated as a Design District or Historic District.

3. **Historic Landmarks.** A Network Provider is discouraged from installing a Network Node or Node Support Pole within 300 feet of a historic site or structure or Historic Landmark recognized by the City, state or federal government (*see, for example, and not limited to* §442.001(3) of the Texas Government Code, and 16 U.S.C. §470), as of the date of the submission of the permit. It is recommended that each permit application disclose if it is with 300 feet of such a structure.

4. **Compliance with Undergrounding Requirements.** In accordance with Chapter 284, Sec. 284.107, a Network Provider shall comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other

public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

4.1 Areas may be designated from time to time by the City as Underground Requirement Areas in accordance with filed plats, and or conversions of overhead to underground areas, as may be allowed by law.

4.2 Each permit application shall disclose if it is within an area that has undergrounding requirements.

B. Least preferable locations.

1. Residential Areas and Parks. A Network Provider is discouraged from installing a Network Node on an existing pole in a public right-of-way without written consent from the City Council if the public right-of-way is located in or adjacent to a street or thoroughfare that is adjacent to a municipal park or single-family residential lots or other multifamily residences or undeveloped land that is designated for residential use by zoning or deed restrictions.

1. In accordance with Chapter 284, Sec. 284.104 (b) a Network Provider installing a Network Node or a Node Support Pole in a public right-of-way shall comply with private deed restrictions and other private restrictions in the area that apply to those facilities.

2. Historic Districts and Design Districts. A Network Provider is discouraged from installing a Network Node or a Node Support Pole in the public right-of-way in any area designated by the City as a Design Districts or in an area of the City zoned or otherwise designated as a Historic District unless such a Network Node or a new Node Support Pole is camouflaged.

C. Most preferable locations

1. *Industrial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

2. *Highway Rights-of-Way* areas if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

3. *Retail and Commercial areas* if not adjacent to a Municipal Park, Residential area, Historic District or Design District.

D. Designated Areas.

1. The City Council may designate an area as a Historic District or a Design District under Chapter 284.105 at any time.

2. The failure to designate an area in this Chapter shall not mean that such an area is not within a defined district, if so designated by the City Council. Future areas may be designated as one of these Districts at any time. Such a designation does not require a zoning case.

3. While not required under Chapter 284 to designate Underground Compliance Areas to prohibit above ground Wireless facilities, the City may also, from time to time, also designate Underground Compliance Areas.

E. Exceptions

The City by its discretionary consent and agreement may grant exceptions to the above prohibited locations and sizes, but only in a non-exclusive, and non-discriminatory manner, as allowed or required by Chapter 284, Sec. 284.109 and Sec. 284.110.

F. Order of Preference regarding Network Node attachment to existing facilities and New Node Support Poles.

1. *Existing telephone or electrical lines between existing utility poles.* Micro Network Nodes shall only be lashed on existing telephone or electrical lines between existing utility poles (electric poles or telephones poles), with notice to the pole owner as required by the Federal Pole Attachment Act, and not placed on Utility Poles, Node Support Poles or Service Poles.

2. *Existing Utility Poles* (electric poles or telephones poles), shall be the preferred support facility for Network Nodes and related ground equipment.

3. *Municipal Service Poles:*

a. *Non-decorative street lights* with a height of more than 20 feet.

b. *Traffic signal structures* when such installation will not interfere with the integrity of the facility and will not interfere with the safety of public and in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).

c. *Street signage* shall be a low priority use for attachment of a Network Node.

d. *Other municipal Service pole* use is discouraged.

4. *New node support poles* shall be the least preferred type of allowed facility for attachment of Network Nodes.

5. *Ground Equipment.* Ground equipment should be minimal and the least intrusive.

SECTION 4. GUIDELINES ON PLACEMENT.

A. Generally.

In accordance with Chapter 284.102, a Network Provider shall construct and maintain Network Nodes and Node Support Poles in a manner that does not:

1. obstruct, impede, or hinder the usual travel or public safety on a public right-of-way;
2. obstruct the legal use of a public right-of-way by other utility providers;

3. violate nondiscriminatory applicable codes;
4. violate or conflict with the City's publicly disclosed public right-of-way management ordinance or this Design Manual.
5. violate the federal Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.).

B. General Requirements and Information:

1. *Size Limits.* Network Providers shall provide detailed drawings, with calculations to show strict conformity to the size limitations as set forth in Chapter 284, in accordance with, but not limited to Chapter 284, Sec. 284.002, size of a Micro Network Node, Sec. 284.003, Size of Network Nodes, and Sec. 284.103, Max. pole height, with each application and with each request for a permit for each location.³

2. *State and Federal Rights-of-way permit.* If the project lies within a Highway Right-of-Way, the applicant must provide evidence of a permit from the State or Federal Government.

3. *Confirmation of non-interference with City Safety Communication or SCADA Networks.*

a. The Network Provider needs to provide analysis that the proposed network node shall not cause any interference with City public safety radio system, traffic signal light system, SCADA system, or other city safety communications components in accordance with Chapter 284, Sec. 284.304.

b. It shall be the responsibility of the Network Provider to evaluate, prior to making application for permit, the compatibility between the existing City infrastructure and Provider's proposed Network Node. A Network Node shall not be installed in a location that causes any interference. Network Nodes shall not be allowed on City's public safety radio infrastructure.

4. *Improperly Located Network Node facilities, Node Support Poles and related ground equipment:*

a. Improperly Located Network Node facilities, Node Support Poles and related ground equipment shall not impede pedestrian or vehicular traffic in the Right-of-Way. If any Network Node facilities, Node Support Poles or ground equipment is installed in a location that is not in accordance with the plans approved by the City Administrator and impedes pedestrian or vehicular traffic or does not comply or otherwise renders the Right-of-Way non-compliant with applicable Laws, including the American Disabilities Act, then Network Provider shall promptly remove the Network Node facilities, Node Support Poles or ground equipment.

b. Notice to Remove unauthorized facilities and relocate and penalty: After 30 days' notice to remove of Network Node facilities, Node Support Poles or ground equipment that is located in the incorrect permitted location, if not relocated the Network Provider shall be subject to a penalty of \$500.00 per day penalty until the Network Node facilities, Node Support Poles or ground equipment is relocated to the correct area within the permitted

Location, regardless of whether or not the Network Provider's contractor, subcontractor, or vendor installed the Network Node facilities, Node Support Poles or ground equipment in strict conformity with the City Rights-of-way management ord., and other applicable ordinances concerning improperly located facilities in the rights-of-way.

B. Underground Requirement Areas.

1. In accordance with Chapter 284.107, a Network Provider shall, in relation to installation for which the City approved a permit application, comply with nondiscriminatory undergrounding requirements, including municipal ordinances, zoning regulations, state law, private deed restrictions, and other public or private restrictions, that prohibit installing aboveground structures in a public right-of-way without first obtaining zoning or land use approval.

2. If a location is designated by the City to transits to be an Underground Requirement Area, then a Network Provider's permit for the location of the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location will be revoked 90 days after the designation, with removal of said the Micro Network Node, Network Node, Node Support Pole, and related ground equipment at such location within 90 days of such designation, or as otherwise reasonably allowed by the City for the transition of other overhead facilities.

3. Before commencing underground installation, 811 Dig Tess must be called so that the area can be flagged for underground utilities.

C. Network Node facilities placement:

1. *Right-of-Way:* Network Node facilities, Node Support Poles and related ground equipment shall be placed, as much as possible, within two feet of the outer edge of the Right-of-Way line to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way.

2. *Height above ground.* Network Node attachments to a pole shall be installed at least eight (8) feet above the ground in accordance with Chapter 284, Sec. 284.108, and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

3. *Protrusions.* In accordance with Chapter 284, Sec. 284.003 (a) (1) (C), Sec. 284.003 (a) (2) (C) and Sec. 284.003 (a) (3) (B) no protrusion from the outer circumference of the existing structure or pole shall be more than two (2) feet.

4. *Limit on number of Network Nodes per Site.* There shall be no more than one Network Node on any one Pole.

D. New Node Support Poles.

1. *New Node Support Poles Spacing.* New node support poles shall be spaced apart from existing utility poles or Node Support poles at the same as the spacing between utility poles in the immediate proximity, but no less than at a minimum 300 feet from a utility

pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

2. *Height of Node Support Poles or modified Utility Pole.* In accordance with Chapter 284, Sec. 284.103 a Node support pole or modified Utility Pole may not exceed the lesser of:

- a. 10 feet in height above the tallest existing utility pole located within 500 linear feet of the new pole in the same public right-of-way; or
- b. 55 feet above ground level.

E. Ground Equipment.

1. *Ground Equipment near street corners and intersections:* Ground equipment should be minimal and the least intrusive. In accordance with Chapter 284.102 (1), to minimize any obstruction, impediment, or hindrance to the usual travel or public safety on a public right-of-way the maximum line of sight required to add to safe travel of vehicular and pedestrian traffic and in order to maximize that line of sight at street corners and intersections and to minimize hazards at those locations, ground equipment may not be installed within 250 feet of a street corner or a street intersection.

2. *Ground Equipment near Municipal Parks.* For the safety of Municipal park patrons, particularly small children, and to allow full line of sights near Municipal park property, the Network Provider shall not install Ground Equipment in a Right-of-Way that is within a Park or within 250 feet of the boundary line of a Park, unless approved by the City Mayor in writing.

3. *Minimize Ground equipment density:*

In accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City Manager, or designee, may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more.

4. *Water, Sewer and Storm Drainage Lines:*

Special precautions must be taken where underground fiber optic cable is installed in public street right-of-ways commonly used for utility corridors.

- a. Underground utilities and service connections must be identified prior to excavation. "Dig Alert," "One Call," or similar underground utility contractor must be contacted to identify the locations of subsurface utilities.
- b. If temporary disruption of service is required, the installation contractor must notify the City, the service provider, and customers at least 24 hours in advance. No service on such lines may be disrupted until prior approval from the City and the service provider.
- c. At locations where the fiber optic cable will cross other subsurface utilities or structures, the cable must be installed to provide a minimum of 12 inches of vertical clearance between it and the other subsurface utilities or

structures, while still maintaining the other applicable minimum depth requirement. To maintain the minimum depth requirement, the cable must be installed under the existing utility. If the minimum 12-inch clearance cannot be obtained between the proposed cable facility and the existing utility, the fiber optic cable must be encased in steel pipe of avoid future damage.

- d. *Existing Water Lines:* No communication lines shall be placed on top of a water line but may be placed to the side of a water line at least 4 feet from the center line of the water line. When crossing a water line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a water line.
- e. *Existing Sewer Lines:* No communication lines shall be placed on top of a sewer line but may be placed to the side of a sewer line at least 4 feet from the center line of the sewer line. When crossing a sewer line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a sewer line.
- f. *Existing Storm Drainage Lines:* No communication lines shall be placed on top of a storm drainage line but may be placed to the side of a storm drainage line at least 4 feet from the center line of the storm drainage line. When crossing a storm drainage line, a 12-inch vertical or horizontal clearance must be maintained. Poles must be at least 3 feet from a storm drainage line.

5. *Blocking streets, roads, alleys or lanes:*

Texas Department of Transportation (TxDOT) standards must be followed for work zone areas that will block streets, roads, alleys or lanes. A traffic plan must be submitted to the City prior to construction.

F. Municipal Service Poles:

1. *In accordance with Agreement:* Installations on all Service Poles shall be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b).

2. *Required industry standard pole load analysis:* Installations on all Service Poles shall have an industry standard pole load analysis completed and submitted to the municipality with each permit application indicating that the Service Pole to which the Network Node is to be attached will safely support the load, in accordance with Chapter 284.108.

3. *Height of attachments:* All attachments on all Service Poles shall be at least 8 feet above grade, in accordance with Chapter 284, Sec. 285.108 (a) (1) - (2) and if a Network Node attachment is projecting toward the street, for the safety and protection of the public and vehicular traffic, the attachment shall be installed no less than sixteen (16) feet above the ground.

4. *Installations on Traffic Signals*: Installations on all Traffic signal structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public and must be in accordance with an agreement as allowed by Chapter 284, Sec. 285.056 and Sec. 284.101 (a) (3), and (b). Installation of Network Node facilities on any traffic signal structures shall:

- a. Be encased in a separate conduit than the traffic light electronics;
- b. Have a separate electric power connection than the traffic signal structure; and
- c. Have a separate access point than the traffic signal structure; and

5. *Installations on Street signage*: Installations on all street signage structures must not interfere with the integrity of the facility in any way that may compromise the safety of the public. Installation of Network Node facilities on any street signage structures that has electrics shall:

- a. Be encased in a separate conduit than any City signage electronics;
- b. Have a separate electric power connection than the signage structure;
- c. Have a separate access point than the signage structure; and

6. *Restoration of City facilities and private property*: The Network Provider shall be responsible for repairing any damage to any street, street right-of-way, ditch or any structure to its original condition immediately upon completing the installation. Any change to the slope of the land must be remedied, and there must be replacement of top soil and grass to its original condition.

SECTION 5. GENERAL AESTHETIC REQUIREMENTS

A. Concealment.

1. Concealment of Network Nodes and Node support poles shall be required by the City in Design Districts with Decorative Poles and in Historic Districts pursuant to Chapter 284.105.

2. It is also the City's preference that all new node support poles be camouflaged, except those located in an area zoned or predominantly industrial area. Companies shall submit their proposal for camouflage with the permit application.

3. The Network Node facilities shall be concealed or enclosed as much as reasonably possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

4. The Network Node facilities shall be concealed or enclosed as much as possible in an equipment box, cabinet, or other unit that may include ventilation openings. External cables and wires hanging off a pole shall be sheathed or enclosed in a conduit, so that wires are protected and not visible or visually minimized to the extent possible, except to the extent not consistent with Chapter 284.

B. New Node Support Pole Spacing.

New node support poles shall be at a minimum 300 feet from a utility pole or another Node Support Pole to minimize the hazard of poles adjacent to road ways and to minimize effect on property values and aesthetics on the area.

C. Minimize Ground Equipment Concentration.

In order to minimize negative visual impact to the surrounding area, and in accordance with Chapter 284, Sec. 284.102 (1) to enhance the safety requirements of line of sight of pedestrians, particularly small children, the City's designee may deny a request for a proposed Location if the Network Provider installs Network Node ground equipment where existing ground equipment within 300 feet already occupies a footprint of 25 sq. ft. or more to minimize effect on property values and aesthetics on the area.

D. Allowed Colors.

1. Colors in Historic Districts and Design Districts must be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

2. Colors in Historic Districts and Design Districts must be approved by the City Manager from a palette of approved colors. Unless otherwise provided, all colors shall be earth tones or shall match the background of any structure the facilities are located upon and all efforts shall be made for the colors to be inconspicuous. Colors in areas other than in Historic Districts and Design Districts shall conform to colors of other installations of telecommunication providers in the immediately adjacent areas.

SECTION 6. ELECTRICAL SUPPLY

A. Network Provider shall be responsible for obtaining any required electrical power service to the Micro Network Node, Network Node facilities, Node Support Poles and ground equipment. The City shall not be liable to the Network Provider for any stoppages or shortages of electrical power furnished to the Micro Network Node, Network Node facilities, Node Support Poles or ground equipment, including without limitation, stoppages or shortages caused by any act, omission, or requirement of the public utility serving the structure or the act or omission of any other tenant or Network Provider of the structure, or for any other cause beyond the control of the City.

B. Network Provider shall not allow or install generators or back-up generators in the Public Right-of-Way in accordance with Chapter 284, Sec. 284.002 (12) (B) (1).

SECTION 7. INSURANCE, INDEMNITY, BONDING AND SECURITY DEPOSITS.

A. Insurance, bonding and security deposits shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

B. Indemnity shall be in accordance with Chapter 284, Sec. 284.302, as provided for in Chapter 283, Sec. 283.057 (a) and (b) of the Texas Loc. Gov't Code.

SECTION 8. REQUIREMENTS IN REGARD TO REMOVAL, REPLACEMENT, REPLACEMENT, MAINTENANCE AND REPAIR

A. REMOVAL OR RELOCATION BY NETWORK PROVIDER.

1. Removal and relocation by the Network provider of its Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

2. If the Network Provider removes or relocates a Micro Network Node, Network Node facilities, Node Support Pole or related ground equipment at its own discretion, it shall notify the City Manager in writing not less than 10 business days prior to removal or relocation. Network Provider shall obtain all Permits required for relocation or removal of its Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment prior to relocation or removal.

3. The City shall not issue any refunds for any amounts paid by Network Provider for Micro Network Node, Network Node facilities, Node Support Poles or related ground equipment that have been removed.

B. REMOVAL OR RELOCATION REQUIRED FOR CITY PROJECT.

1. Removal and Relocation of Network Provider's Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof required for a City project shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284, Sec. 284.107, except as provided in existing state and federal law.

2. In accordance with Chapter 284, Sec. 284.107, except as provided in existing state and federal law, a Network Provider shall relocate or adjust Micro Network Node, Network Node, Node Support Pole and related ground equipment in a public right-of-way in a timely manner and without cost to the City managing the public right-of-way

3. Network Provider understands and acknowledges that the City may require Network Provider to remove or relocate its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or any portion thereof from the Right-of-Way for City construction projects as allowed by state and federal law, including the common-law.

4. Network Provider shall, at the City Manager's direction, remove or relocate the same at Network Provider's sole cost and expense, except as otherwise provided in existing state and federal law, whenever the City Manager reasonably determines that the relocation or removal is needed for any of the following purposes: Required for the construction, completion, repair, widening, relocation, or maintenance of, or use in connection with, any City construction or maintenance project of a street or public rights-of-way to enhance the traveling public's use for travel and transportation.

5. If Network Provider fails to remove or relocate the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof as requested by the City Manager within 90 days of Network Provider's receipt of the request, then the City shall be entitled to remove the Micro Network Node, Network Node, Node Support Pole or related ground

equipment, or portion thereof at Network Provider's sole cost and expense, without further notice to Network Provider.

6. Network Provider shall, within 30 days following issuance of invoice for the same, reimburse the City for its reasonable expenses incurred in the removal (including, without limitation, overhead and storage expenses) of the Micro Network Node, Network Node, Node Support Pole or related ground equipment, or portion thereof.

C. REMOVAL REQUIRED BY CITY FOR SAFETY AND IMMINENT DANGER REASONS.

1. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City Manager if the City Manager reasonably determines that the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment (a) is necessary to protect the public health, safety, welfare, or City property, (b) the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property, or (c) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or use of any Location under applicable law in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

2. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

3. Network Provider shall, at its sole cost and expense, promptly disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment within the time frame and in the manner required by the City Manager if the City Manager reasonably determines that the disconnection, removal, or relocation of any part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment (a) is necessary to protect the public health, safety, welfare, or City property, (b) the Micro Network Node, Network Node, Node Support Pole and related ground equipment, or portion thereof, is adversely affecting proper operation of streetlights or City property, or (c) Network Provider fails to obtain all applicable licenses, Permits, and certifications required by Law for its Micro Network Node, Network Node, Node Support Pole and related ground equipment, or use of any Location under applicable law. If the City Manager reasonably determines that there is imminent danger to the public, then the City may immediately disconnect, remove, or relocate the applicable Micro Network Node, Network Node, Node Support Pole and related ground equipment at the Network Provider's sole cost and expense.

4. The City Manager shall provide 90 days written notice to the Network Provider before removing a Micro Network Node, Network Node, Node Support Pole and related ground equipment under this Section, unless there is imminent danger to the public health, safety, and welfare.

5. Network Provider shall reimburse City for the City's actual cost of removal of Micro Network Node, Network Node, Node Support Pole and related ground equipment within 30 days of receiving the invoice from the City.

SECTION 9. INSTALLATION AND INSPECTIONS

A. INSTALLATION.

1. Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

2. Network Provider shall, at its own cost and expense, install the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment in a good and workmanlike manner and in accordance with the requirements promulgated by the City Manager, as such may be amended from time to time. Network Provider's work shall be subject to the regulation, control and direction of the City Manager. All work done in connection with the installation, operation, maintenance, repair, modification, and/or replacement of the Micro Network Node, Network Node facilities, Node Support Poles and related ground equipment shall be in compliance with all applicable laws, ordinances, codes, rules and regulations of the City, applicable county, the state, and the United States ("Laws").

B. INSPECTIONS.

1. The City Manager, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way shall be allowed in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284

2. The City Manager, or designee, may perform visual inspections of any Micro Network Node, Network Node, Node Support Pole or related ground equipment located in the Right-of-Way as the City Manager deems appropriate without notice. If the inspection requires physical contact with the Micro Network Node, Network Node, Node Support Poles or related ground equipment, the City Manager shall provide written notice to the Network Provider within five business days of the planned inspection. Network Provider may have a representative present during such inspection.

SECTION 10. REQUIREMENTS UPON ABANDONMENT OF OBSOLETE MICRO NETWORK NODE, NETWORK NODE, NODE SUPPORT POLE AND RELATED GROUND EQUIPMENT.

1. Abandoned or obsolete Micro Network Node, Network Node, Node Support Pole and related ground equipment shall be removed in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

2. Network Provider shall remove Micro Network Node, Network Node, Node Support Pole and related ground equipment when such facilities are abandoned regardless of whether or not it receives notice from the City. Unless the City sends notice that removal must be completed immediately to ensure public health, safety, and welfare, the removal must be completed within

the earlier of 90 days of the Micro Network Node, Network Node, Node Support Pole and related ground equipment being abandoned or within 90 days of receipt of written notice from the City. When Network Provider removes, or abandons permanent structures in the Right-of-Way, the Network Provider shall notify the City Manager in writing of such removal or Abandonment and shall file with the City Manager the location and description of each Micro Network Node, Network Node, Node Support Pole and related ground equipment removed or Abandoned. The City Manager may require the Network Provider to complete additional remedial measures necessary for public safety and the integrity of the Right-of-Way.

SECTION 11. GENERAL PROVISIONS.

1. As Built Maps and Records. Network Provider's as built maps and records shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

1.1 A Network Provider shall maintain accurate maps and other appropriate records of its Network Node facilities, Node Support Poles and related ground equipment as they are actually constructed in the Rights-of-Way, including, upon request, the use of Auto CAD/GIS digital format. Network Provider will provide additional maps to the City upon request.

2. Courtesy and Proper Performance. Courtesy and Proper Performance of Network provider's personnel, and contractors shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

2.1 A Network Provider shall make citizen satisfaction a priority in using the Right-of-Way. Network Provider shall train its employees to be customer service-oriented and to positively and politely interact with citizens when dealing with issues pertaining to its Micro Network Node, Network Node, Node Support Pole and related ground equipment in the Right-of-Way. Network Provider's employees shall be clean, courteous, efficient, and neat in appearance and committed to offering the highest quality of interaction with the public. If, in the opinion of the City Manager or designee, Network Provider is not interacting in a positive and polite manner with citizens, he or she shall request Network Provider to take all remedial steps to conform to these standards.

3. DRUG POLICY. Drug policy of Network provider's personnel, and contractors in the public rights-of-way shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

3.1 It is the policy of the City to achieve a drug-free workforce and workplace. The manufacture, distribution, dispensation, possession, sale, or use of illegal drugs or alcohol by Network Provider's employees, contractors, subcontractors, sub-Network Provider's, or vendors while on City rights-of-way is prohibited.

4. ALLOCATION OF FUNDS FOR REMOVAL AND STORAGE. The City Council has currently appropriated no funds to pay for the cost of any removal or storage of Micro Network Node, Network Node, Node Support Pole and related ground equipment, as authorized under the law.

5. **OWNERSHIP.** Ownership of Network Node and related equipment shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable codes and ordinances, except to the extent not consistent with Chapter 284.

5.1 No part of a Micro Network Node, Network Node, Node Support Pole and related ground equipment erected or placed on the Right-of-Way by Network Provider will become, or be considered by the City as being affixed to or a part of, the Right-of-Way. All portions of the Micro Network Node, Network Node, Node Support Pole and related ground equipment constructed, modified, erected, or placed by Network Provider on the Right-of-Way will be and remain the property of Network Provider and may be removed by Network Provider at any time, provided the Network Provider shall notify the City Manager prior to any work in the Right-of-Way.

6. **Tree Maintenance.** Tree maintenance shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

6.1 A Network Provider, its contractors, and agents shall obtain written permission from the City Manager before trimming trees hanging over its Micro Network Node, Network Node, or Node Support Pole, to prevent branches of such trees from contacting attached Micro Network Node, Network Node, or Node Support Pole. When directed by the City Manager, Network Provider shall trim under the supervision and direction of the City Manager. The City shall not be liable for any damages, injuries, or claims arising from Network Provider's actions under this section.

7. **Signage.** Signage shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

7.1 Network Provider shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the Network Node facility that is visible to the public. Signage required under this section shall not exceed 4" x 6", unless otherwise required by law (e.g. RF ground notification signs) or the City Manager.

7.2 Except as required by law or by the Utility Pole owner, a Network Provider shall not post any other signage or advertising on the Micro Network Node, Network Node, Node Support Pole, Service pole or Utility Pole.

8. **Graffiti Abatement.** Graffiti abatement shall be in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

8.1 As soon as practical, but not later than fourteen (14) calendar days from the date Network Provider receives notice thereof, Network Provider shall remove all graffiti on any of its Micro Network Node, Network Node, Node Support Pole, and related ground equipment located in the Right of Way. The foregoing shall not relieve the Network Provider from complying with any City graffiti or visual blight ordinance or regulation.

9. **Restoration.**

9.1 A Network Provider shall restore and repair of the public rights-of-way from any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other

of Network Provider's activities hereunder) in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

9.2 A Network Provider shall repair any damage to the Right-of-Way, or any facilities located within the Right-of-Way, and the property of any third party resulting from Network Provider's removal or relocation activities (or any other of Network Provider's activities hereunder) within 10 calendar days following the date of such removal or relocation, at Network Provider's sole cost and expense, including restoration of the Right-of-Way and such property to substantially the same condition as it was immediately before the date Network Provider was granted a Permit for the applicable Location or did the work at such Location (even if Network Provider did not first obtain a Permit), including restoration or replacement of any damaged trees, shrubs or other vegetation. Such repair, restoration and replacement shall be subject to the sole, reasonable approval of the City Mayor.

10. Network provider's responsibility.

10.1 A Network Provider shall be responsible and liable for the acts and omissions of the Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions in strict accordance with the City's rights-of-way management ordinance, and other applicable ordinances, except to the extent not consistent with Chapter 284.

10.2 A Network Provider shall be responsible and liable for the acts and omissions of the Network Provider's employees, temporary employees, officers, directors, consultants, agents, Affiliates, subsidiaries, sub-Network Provider's and subcontractors in connection with the installations of any Micro Network Node, Network Node, Node Support Pole, Transport Facility and related ground equipment, as if such acts or omissions were Network Provider's acts or omissions.

SECTION 12. ADMINISTRATIVE HEARING – REQUEST FOR EXEMPTION

12.1 Should the Network Provider desire to deviate from any of the standards set forth in the Design Manual, the Network Provider may request an Administrative Hearing before a Board of Appeals. The Planning and Zoning Board shall act as the Board of Appeals for a Request for Exemption.

12.2 The process for an application, hearing and vote shall follow the process set out for a variance.

SECTION 13-19 RESERVED

SECTION 20. DESIGN MANUAL - UPDATES

Placement or Modification of Micro Network Node, Network Node, Node Support Pole, Transport Facility, and related ground equipment shall comply with the City's Design Manual at the time the Permit for installation or Modification is approved and as amended from time to time.

¹ Sec. 284.301. LOCAL POLICE-POWER-BASED REGULATIONS. (a) Subject to this chapter and applicable federal and state law, a municipality may continue to exercise zoning, land use, planning, and permitting authority in the municipality's boundaries, including with respect to utility poles.

(b) A municipality may exercise that authority to impose police-power-based regulations for the management of the public right-of-way that apply to all persons subject to the municipality.

(c) A municipality may impose police-power-based regulations in the management of the activities of network providers in the public right-of-way only to the extent that the regulations are reasonably necessary to protect the health, safety, and welfare of the public.

² The definitions as used in Tx. Loc. Gov. Code, Chapter 284, Sec. 284.002 shall be used in this Design Manual.

Tex. Loc. Gov. Code, Chapter 284, Sec. 284.002. DEFINITIONS. In this chapter:

(1) "Antenna" means communications equipment that transmits or receives electromagnetic radio frequency signals used in the provision of wireless services.

(2) "Applicable codes" means:

(A) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; and

(B) local amendments to those codes to the extent not inconsistent with this chapter.

(3) "Collocate" and "collocation" mean the installation, mounting, maintenance, modification, operation, or replacement of network nodes in a public right-of-way on or adjacent to a pole.

(4) "Decorative pole" means a streetlight pole specially designed and placed for aesthetic purposes and on which no appurtenances or attachments, other than specially designed informational or directional signage or temporary holiday or special event attachments, have been placed or are permitted to be placed according to nondiscriminatory municipal codes.

(5) "Design district" means an area that is zoned, or otherwise designated by municipal code, and for which the city maintains and enforces unique design and aesthetic standards on a uniform and nondiscriminatory basis.

(6) "Historic district" means an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law.

(7) "Law" means common law or a federal, state, or local law, statute, code, rule, regulation, order, or ordinance.

(8) "Macro tower" means a guyed or self-supported pole or monopole greater than the

height parameters prescribed by Section 284.103 and that supports or is capable of supporting antennas.

(9) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

(10) "Municipally owned utility pole" means a utility pole owned or operated by a municipally owned utility, as defined by Section 11.003, Utilities Code, and located in a public right-of-way.

(11) "Municipal park" means an area that is zoned or otherwise designated by municipal code as a public park for the purpose of recreational activity.

(12) "Network node" means equipment at a fixed location that enables wireless communications between user equipment and a communications network. The term:

(A) includes:

- (i) equipment associated with wireless communications;
- (ii) a radio transceiver, an antenna, a battery-only backup power supply, and comparable equipment, regardless of technological configuration; and
- (iii) coaxial or fiber-optic cable that is immediately adjacent to and directly associated with a particular collocation; and

(B) does not include:

- (i) an electric generator;
- (ii) a pole; or
- (iii) a macro tower.

(13) "Network provider" means:

(A) a wireless service provider; or

(B) a person that does not provide wireless services and that is not an electric utility but builds or installs on behalf of a wireless service provider:

- (i) network nodes; or
- (ii) node support poles or any other structure that supports or is capable of supporting a network node.

(14) "Node support pole" means a pole installed by a network provider for the primary purpose of supporting a network node.

(15) "Permit" means a written authorization for the use of the public right-of-way or collocation on a service pole required from a municipality before a network provider may perform an action or initiate, continue, or complete a project over which the municipality has police power authority.

(16) "Pole" means a service pole, municipally owned utility pole, node support pole, or utility pole.

(17) "Private easement" means an easement or other real property right that is only for the benefit of the grantor and grantee and their successors and assigns.

(18) "Public right-of-way" means the area on, below, or above a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement in which the municipality has an interest. The term does not include:

(A) a private easement; or

(B) the airwaves above a public right-of-way with regard to wireless telecommunications.

(19) "Public right-of-way management ordinance" means an ordinance that complies with

Subchapter C.

(20) "Public right-of-way rate" means an annual rental charge paid by a network provider to a municipality related to the construction, maintenance, or operation of network nodes within a public right-of-way in the municipality.

(21) "Service pole" means a pole, other than a municipally owned utility pole, owned or operated by a municipality and located in a public right-of-way, including:

- (A) a pole that supports traffic control functions;
- (B) a structure for signage;
- (C) a pole that supports lighting, other than a decorative pole; and
- (D) a pole or similar structure owned or operated by a municipality and supporting only network nodes.

(22) "Transport facility" means each transmission path physically within a public right-of-way, extending with a physical line from a network node directly to the network, for the purpose of providing backhaul for network nodes.

(23) "Utility pole" means a pole that provides:

- (A) electric distribution with a voltage rating of not more than 34.5 kilovolts; or
- (B) services of a telecommunications provider, as defined by Section 51.002, Utilities Code.

(24) "Wireless service" means any service, using licensed or unlicensed wireless spectrum, including the use of Wi-Fi, whether at a fixed location or mobile, provided to the public using a network node.

(25) "Wireless service provider" means a person that provides wireless service to the public.

³ Sec. 284.002. DEFINITIONS (8) "Micro network node" means a network node that is not larger in dimension than 24 inches in length, 15 inches in width, and 12 inches in height, and that has an exterior antenna, if any, not longer than 11 inches.

Sec. 284.003. LIMITATION ON SIZE OF NETWORK NODES. (a) Except as provided by Section 284.109, a network node to which this chapter applies must conform to the following conditions:

- (1) each antenna that does not have exposed elements and is attached to an existing structure or pole:
 - (A) must be located inside an enclosure of not more than six cubic feet in volume;
 - (B) may not exceed a height of three feet above the existing structure or pole; and
 - (C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;
- (2) if an antenna has exposed elements and is attached to an existing structure or pole, the antenna and all of the antenna's exposed elements:
 - (A) must fit within an imaginary enclosure of not more than six cubic feet;
 - (B) may not exceed a height of three feet above the existing structure or pole; and
 - (C) may not protrude from the outer circumference of the existing structure or pole by more than two feet;
- (3) the cumulative size of other wireless equipment associated with the network node attached to an existing structure or pole may not:
 - (A) be more than 28 cubic feet in volume; or

-
- (B) protrude from the outer circumference of the existing structure or a node support pole by more than two feet;
- (4) ground-based enclosures, separate from the pole, may not be higher than three feet six inches from grade, wider than three feet six inches, or deeper than three feet six inches; and
- (5) pole-mounted enclosures may not be taller than five feet.
- (b) The following types of associated ancillary equipment are not included in the calculation of equipment volume under Subsection (a):
- (1) electric meters;
 - (2) concealment elements;
 - (3) telecommunications demarcation boxes;
 - (4) grounding equipment;
 - (5) power transfer switches;
 - (6) cut-off switches; and
 - (7) vertical cable runs for the connection of power and other services.
- (c) Equipment attached to node support poles may not protrude from the outer edge of the node support pole by more than two feet.
- (d) Equipment attached to a utility pole must be installed in accordance with the National Electrical Safety Code, subject to applicable codes, and the utility pole owner's construction standards.

TEXAS LOCAL GOVERNMENT CODE CHAPTER 284

POLE ATTACHMENT AGREEMENT

THE STATE OF TEXAS §
COUNTY OF CAMERON §

THIS AGREEMENT is made and entered into pursuant to Section 284.056, Section 284.201, and Section 284.301 of the Texas Local Government Code, effective this ___ day of ___ 20___, by and between the CITY OF LOS FRESNOS, TEXAS, hereinafter called "the City", and ____, hereinafter called "the Network Provider," and is as follows:

WHEREAS, the Network Provider is a wireless telecommunications network provider as that term is defined in Section 284.002 of the Texas Local Government Code ("the Code); and

WHEREAS, the City owns certain public rights-of-way with service and or utility poles within its municipal territorial limits; and

WHEREAS, the Network Provider desires to attach certain Network Nodes, as that term is defined in Section 284.002 of the Code, on City-owned service poles and/or utility poles; and

WHEREAS, the Network Provider and the City desire to enter into this Agreement to secure authority from the City for the Network Provider to install certain Network Nodes on such City poles, subject to the City's Design Manual for the Installation of Network Nodes and Node Support Poles ("the Design Manual") and the City's Right-of-Way Management Ordinance; and

WHEREAS, this Agreement is entered into pursuant to Chapter 284 of the Texas Local Government Code, in order to address the desires of the Network Provider and the procedures of the City; and

WHEREAS, the Network Provider and the City acknowledge that this Agreement is binding upon the City and the Network Provider and their respective successors and assigns for the term (defined below) of this Agreement; and

NOW, THEREFORE, BE IT MUTUALLY AGREED AS FOLLOWS:

- 1. Location of the City Poles. The Service and/or Utility Poles owned by the City on which the Network Nodes are to be attached by the Network Provider are generally described as:

Three horizontal lines for text entry.

Attachment: pole attachment agreement form (2315 : Design manual for network nodes)

2. The Network Provider acknowledges that it has received and reviewed the applicable provisions in the City Design Manual and the Right-of-Way Management Ordinance; and further acknowledges that this Pole Attachment Agreement is subject to the terms and regulations of each.

3. The Network Provider agrees to pay the City for collocation of its Network Nodes at the following annual rates:

- a. City Service Poles: \$20.00 per year per service pole.
- b. City Utility Poles: An annual pole attachment rate applied on a per-foot basis consistent with Section 54.024 of the Texas Utilities Code.

4. The City acknowledges that it will comply with the requirements of the Code and that it will allow the collocation of Network Nodes on the City service and utility poles on a non-exclusive, nondiscriminatory basis, subject to the Network Provider paying the applicable fees to the City and complying with the Design Manual and the Right-of-Way Management Ordinance.

5. Pursuant to Section 284.301 of the Texas Local Government Code, the Network Provider agrees that the City is authorized to enforce all of the City's regulations that do not materially interfere with the use of Network Nodes.

6. The primary term of this Agreement shall be five (5) years commencing upon the effective date first set forth above. This Agreement shall be automatically renewed and extended for subsequent one (1) year terms unless at least sixty (60) days prior to the expiration of the term either party shall give written notice to the other of the party's intent to terminate the Agreement at the end of the current term.

7. Any notice required or permitted under this Agreement shall be in writing and shall be delivered in hand or by registered or certified US mail. Notice to the Network Provider and the City may be addressed as follows:

City of Los Fresnos
City Hall
200 N. Brazil Street
Los Fresnos, Texas 78566

8. This Agreement may be enforced by Network Provider or City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the Agreement thereafter.

Attachment: pole attachment agreement form (2315 : Design manual for network nodes)

9. If any provision contained in this Agreement is held unconstitutional, invalid or unenforceable, then the remaining provisions shall be deemed severable and shall remain in full force and effect.

10. This Agreement shall be governed by the law of the State of Texas and construed in conformity with the provisions of Texas Local Government Code, Chapter 284. Venue shall lie in Los Fresnos, Cameron County, Texas.

IN WITNESS WHEREOF, the parties have signed and executed this Agreement effective as of the date first set forth above.

CITY OF LOS FRESNOS, TEXAS

Mayor

Dated: _____

ATTEST:

City Secretary

NETWORK PROVIDER:

Signature of Authorized Officer

Dated: _____

Title of Authorized Officer

Attachment: pole attachment agreement form (2315 : Design manual for network nodes)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2309 B

REVIEWED

ACTION ITEM (ID # 2309)

Consideration and ACTION to approve Fee Schedule.

Attached is the fee schedule for the garbage dumpsters showing the increase as discussed during the budget workshop meetings. If you recall we are simply passing the increased cost to the city on to the user. It also has the fees for the network nodes and related items. These are set by state law. All other fees remain the same.

I recommend approval.

24-126	6 to 12 alarms annually	50.00
	13 to 20 alarms annually	100.00
	21 and over alarms annually	250.00
24-128	Permits:	
	Fee—annually:	
	Class A (signaling to an alarm monitoring facility)	10.00
	Class B (internal signaling device)	10.00
	Class C (signaling to a console or other receiving equipment)	25.00
	Late fees—permit obtained after July 1	
26-20	Class A and B	5.00
	Class C	12.50
Chapter 26—Manufactured and Mobile Homes		
26-21	Construction of mobile home or recreational vehicle park:	
	Permit fee	10.00
28-60	Additional fee per space located in or added to park	1.00
	Operation of mobile home or recreational vehicle park:	
	License—annually	25.00
28-85	License transfer fee—each	10.00
	Chapter 28—Nuisances	
32-54	Outdoor sound amplification equipment permit—each	10.00
	Garagekeeper report of possession of abandoned vehicle—each	10.00
Chapter 32—Parks, Recreation, Library and Other Public Facilities		
34-21	Library:	
	Late fee for overdue materials—per day	0.25
	Late fee for DVD—per day	2.00
	Late fee for VHS—per day	2.00
	Lost book processing fee, in addition to cost of book	5.00
	Mailing notice of unreturned items—each	5.00
	Black and white copies	0.15
	Color copies	0.35
	Replacement cards	3.00
	Faxes:	
	First page	3.00
Each additional page	1.00	
Chapter 34—Solid Waste		
34-21	Cart service:	
	Initial—per cart	20.00
	Each additional service—per cart (maximum of 3 carts)	14.00

34-22	Replacement cart—each	75.00
	Dumpster service:	
	Two yard volume:	
	One - time per week	92.51
	Two	150.75
	Three	210.18
	Four	262.47
	Five	317.16
	Six	376.58
	Additional pickup—each dumpster	65.00
	Three yard volume:	
	One - time per week	105.58
	Two	179.28
	Three	247.02
	Four	314.78
	Five	381.34
	Six	449.08
	Additional pickup—each dumpster	75.00
	Four yard volume:	
	One - time per week	118.66
	Two	193.54
	Three	280.31
	Four	367.07
	Five	441.96
	Six	516.84
	Additional pickup—each dumpster	85.00
	Six yard volume:	
	One - time per week	167.39
	Two	279.12
	Three	390.85
	Four	502.57
	Five	614.30
	Six	726.03
	Additional pickup—each dumpster	95.00
	Eight yard volume:	
	One - time per week	181.66
	Two	307.64
	Three	433.63

	Four	559.63
	Five	685.61
	Six	811.60
	Additional pickup—each dumpster	100.00
Chapter 36—Streets, Sidewalks and Public Places		
36-29	Excavation permits:	
	Public utilities with government franchise—annually	300.00
	All other—or each event	25.00
36-65	Right-of-way use by telecommunications providers:	
	Application fee—each	100.00
36-67	Network Nodes and Node Support Pole	
	Application fee per network node	100.00
	Annual Public Right-of-Way rate per network node	250.00
	Application fee per node support pole	100.00
	Application fee per transfer facility	100.00
	Monthly rental rate per network node for each transfer facility	28.00
	Annual rental rate for collocation of network node per service pole	20.00
36-70	Consent fee—monthly shall be as per state law for residential, non-residential and private line termination.	
	Public street crossing—annually:	
	Per linear foot for each diameter inch or less of underground conduit or wire and for each .250 diameter inch or less of aerial wire	2.50
	Additional for first street crossing	1,000.00
	Additional for each additional street crossing	250.00
Chapter 38—Subdivisions		
38-33	Preliminary plat application:	
	Initial fee includes one review	550.00
	Additional reviews of the preliminary plat:	
	Additional review	200.00
38-36	Final plat filing fee:	
	Initial fee includes one review	700.00
	Additional reviews of the final plat:	
	Additional review	200.00
	Construction plan review includes one review	700.00
	Additional Review Fee	200.00

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Appointment
Prepared By: Pam Denny

Initiator: Pam Denny
Sponsors:

REVIEWED

ACTION ITEM (ID # 2314)

DOC ID: 2314 A

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

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. A blank form is attached for your use.

Citizen application for appointment to a City of Los Fresnos Board Seat

Please return to: City Secretary, 200 N. Brazil Street, Los Fresnos, TX 78566

ALL INFORMATION ON THIS FORM IS PUBLIC RECORD

PLEASE TYPE OR PRINT CLEARLY

NAME _____
(Last) (First) (MI)

HOME ADDRESS _____

MAILING ADDRESS _____

CITY _____ **ZIP** _____

HOME PHONE NUMBER: _____ **CELL NUMBER:** _____

E-MAIL ADDRESS: _____

EMPLOYER _____

OCCUPATION _____

BUSINESS ADDRESS _____

BUSINESS PHONE # _____

COMMITTEES OF INTEREST TO YOU

(List no more than 3 committees - please be specific)

1. _____
2. _____
3. _____

What education or special training do you have which you feel particularly fits you for the appointment to this position? (attach a resume or bio if relevant)

What work experience or other experience do you have which will be beneficial in carrying out the responsibilities of this position?

Why are you interested in serving on this Committee? _____

Other Volunteer Commitments? _____

SIGNATURE OF APPLICANT

DATE

Attachment: Citizen application for appt to a Board (2314 : Housing Authority)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Agreement
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2294 C

REVIEWED

ACTION ITEM (ID # 2294)

Consideration and ACTION to ratify the property tax increase as reflected in the 2017/2018 budget.

Since we will receive more revenue due to additional property valuations each Council Person must vote separately to acknowledge that there is an increase in revenue even though the tax rate will remain the same at \$0.715 per \$100 valuation. The increase over last year's budget is \$195,328 or 18% and of that amount \$230,970 is tax revenue to be raised from new property added to the tax roll this year due to annexation and exchange of territory with Brownsville. The amount received when the exact properties are compared is approximately \$35,642 less than last year.

I recommend approval.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Ordinances
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2295 A

REVIEWED

ACTION ITEM (ID # 2295)

**Consideration and ACTION to approve the first reading of
Ordinance 484 adopting the budgets for fiscal year
2017/2018.**

This will adopt the budget as we have discussed and reviewed over the last several meetings.

I recommend approval.

ORDINANCE NO. 484

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF LOS FRESNOS, TEXAS, FOR THE FISCAL YEAR OCTOBER 1, 2017 THROUGH SEPTEMBER 30, 2018; PROVIDING FOR THE PUBLICATION AND ORDAINING OTHER MATTERS RELATED TO THE FOREGOING.

Was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by _____ that the Ordinance be finally passed and adopted in accordance with the City’s Home Rule Charter. The motion was seconded by _____ and carried by the following vote:

Mayor Polo Narvaez	___ For ___ Against ___ Abstained
Councilmember Yolanda H. Cruz	___ For ___ Against ___ Abstained
Councilmember Swain Real	___ For ___ Against ___ Abstained
Mayor Pro-tem Javier Mendez	___ For ___ Against ___ Abstained
Councilmember Bibi Garza	___ For ___ Against ___ Abstained
Councilmember Juan Munoz	___ For ___ Against ___ Abstained

WHEREAS, the City Manager of the City of Los Fresnos has prepared and presented to the City Council a budget for the fiscal year October 1, 2017 through September 30, 2018; and

WHEREAS, workshops on said budget were called for on August 8, 2017, August 24, 2017, and a public hearing was held on September 12, 2017 at 6:00 p.m. by publication in a newspaper of general circulation at least ten days and not more than thirty days before the public hearings to be held at the City Hall in the City of Los Fresnos, Texas, where and when any and all interested persons might appear and be heard with reference to any item contained in said budget; and

WHEREAS, said public hearing was held on September 12, 2017 at the time and place aforesaid, and the said budget was discussed, and all interested persons were given an opportunity to be heard on any matter relative thereto, and all interested persons having appeared and been heard, and there be not other persons seeking to be heard with reference to any matter concerning said budget, the said public hearings were closed.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS:

SECTION 1. That the budget of the City of Los Fresnos, Texas for the fiscal year October 1, 2017 through September 30, 2018 will increase from last year’s total property tax budget by \$ 195,328 or 18%. The amount \$ 230,970 is tax revenue to be raised from new property added to the roll this year.

Attachment: budget ordinance (2295 : Budget Ordinance)

SECTION 2. That the budget of the City of Los Fresnos, Texas for the fiscal year October 1, 2017 through September 30, 2018 is hereby adopted by this Ordinance. A summary of the budget adopted is hereby attached and incorporated herein as Exhibit A and the complete detail budget adopted by this Ordinance is incorporated hereby reference and shall be made available for public inspection at the Office of the City Secretary during regular business hours.

SECTION 3. That the City Council is authorized to amend the budget from time to time during the fiscal year should there be changes in revenues and expenditures according to law. An unanticipated need and an emergency shall be defined by and expenditures increased only upon a majority vote of the City Council.

SECTION 4. That once a month the Director of Finance shall present the City Council a written report showing the city's financial condition to date. Such report shall include the status of all revenues and expenditures of the city by each fund and department. The Director of Finance shall also present said report to the head of each city department.

INTRODUCED and APPROVED on the first reading this 12th day of September, 2017.

APPROVED and PASSED on the second reading this 12th day of September, 2017 at a meeting of the City Council of the City of Los Fresnos, Texas, at which a quorum was present and which was held in accordance with the laws of the State of Texas.

CITY OF LOS FRESNOS

Polo Narvaez, Mayor

ATTEST:

Pam Denny, City Secretary

Attachment: budget ordinance (2295 : Budget Ordinance)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Ordinances
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2296 A

REVIEWED

ACTION ITEM (ID # 2296)

Consideration and ACTION to approve the first reading of Ordinance 485 approving the 2017 tax roll and levying municipal ad valorem taxes for the use, benefit and support of the City and directing the assessment and collection thereof.

This ordinance sets the property tax rate at \$0.715 per \$100 valuation like we have discussed which is the same rate we have had for the last 10 years. The Operations tax rate will be \$0.620491 and the debt tax rate will be \$0.094509.

I recommend approval.

ORDINANCE NO. 485

AN ORDINANCE APPROVING THE TAX ROLL FOR 2017 AND LEVYING MUNICIPAL AD VALOREM TAXES FOR THE USE, BENEFIT AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF LOS FRESNOS, TEXAS; AND DIRECTING THE ASSESSMENT AND COLLECTION THEREOF.

Was introduced and submitted to the City Council for passage and adoption after the second reading of the Ordinance. After presentation and discussion of the Ordinance, a motion was made by _____ that the Ordinance be finally passed and adopted in accordance with the City’s Home Rule Charter. The motion was seconded by _____ and carried by the following vote:

Mayor Polo Narvaez	___	For	___	Against	___	Abstained
Councilmember Yolanda H. Cruz	___	For	___	Against	___	Abstained
Councilmember Swain Real	___	For	___	Against	___	Abstained
Mayor Pro-tem Javier Mendez	___	For	___	Against	___	Abstained
Councilmember Bibi Garza	___	For	___	Against	___	Abstained
Councilmember Juan Munoz	___	For	___	Against	___	Abstained

WHEREAS, the City Council finds that the tax for the year 2017 herein after levied for current expenses of the City and the general improvements of the City and its property, must be levied to provide the revenue requirements of the budget for the ensuing year.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOS FRESNOS, TEXAS:

SECTION 1. The Tax Appraisal Roll of the City of Los Fresnos for 2017, as heretofore approved and certified by the Cameron Appraisal District, is hereby approved, together with those supplemental rolls, which the Cameron Appraisal District deems necessary to complete the 2017Certified Roll.

SECTION 2. For the current expenses of the City of Los Fresnos and for the general improvements of the City and its property, also known as maintenance and operations expenses, there is hereby levied and ordered to be assessed and collected for the year 2017, and for each year thereafter until it be otherwise provided and ordained, on all property situated within the limits of the City of Los Fresnos, and not exempt from taxation by valid laws, and ad valorem tax at the rate of \$0.620491 on the one hundred (\$100.00) dollars valuation of such property.

THE TOTAL TAX RATE WILL REMAIN THE SAME AS PREVIOUS YEARS.

TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME WILL DECREASE APPROXIMATELY \$8.57.

Attachment: tax rate ordinance (2296 : Tax Rate Ordinance)

SECTION 3. For the purpose of paying interest and providing a sinking fund for the payment of each issue of certificates of obligation issued for various municipal purposes heretofore issued by the City of Los Fresnos, including the various installments of principal falling due during the ensuing year on certificates of obligation issued for such purposes, there is hereby levied and ordered to be assessed and collected for the year 2017 and for each year thereafter until it be otherwise provided and ordained, on all property situated within the limits of the City of Los Fresnos and not exempt from taxation by valid laws, an ad valorem tax at the rate of \$0.094509 on the one hundred (\$100.00) dollars valuation of such property.

SECTION 4. For the purpose of collecting ad valorem taxes levied and ordered to be assessed and collected for the year 2017, and for each year thereafter until it be otherwise provided and ordained, payment shall become due on the first day of October of the year for which the levy is made and may be paid up to and including the following January 31st, without penalty, and discounts shall be allowed on said taxes if paid as follows, to wit:

- (1) Three percent (3%) if payment is received in the month of October; and
- (2) Two percent (2%) if payment is received in the month of November; and
- (3) One percent (1%) if payment is received in the month of December; and
- (4) Gross amount without penalty is due in the month of January; and

If not paid before February 1, 2018 said taxes shall become delinquent and the following penalty shall be payable thereon, to wit:

	<u>PENALTY</u>	<u>INTEREST</u>	<u>TOTAL</u>
February 1	6%	1%	7%
March 1	7%	2%	9%
April 1	8%	3%	11%
May 1	9%	4%	13%
June 1	10%	5%	15%
July 1	12%	6%	18%
Each month thereafter		+1%	+1%

From February 1, 2018 delinquent tax accrues interest at a rate of one percent for each month or portion of a month the tax remains unpaid. Attorney fees may accrue as provided by law.

SECTION 5. The unpaid taxes on all years prior to 2017 shall continue to be delinquent as of February 1st of the year next succeeding the year for which such taxes were levied and assessed and shall be subject to penalty and interest as governed by Section 33.01, Texas Property Tax Laws, Annotated 1982.

Attachment: tax rate ordinance (2296 : Tax Rate Ordinance)

SECTION 6. This Ordinance shall become effective immediately upon its passage.

INTRODUCED and APPROVED on the first reading this 12th day of September, 2017.

APPROVED and PASSED on the second reading this the 12th day of September, 2017.

CITY OF LOS FRESNOS

Polo Narvaez, Mayor

ATTEST:

Pam Denny, City Secretary

Attachment: tax rate ordinance (2296 : Tax Rate Ordinance)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:

REVIEWED

ACTION ITEM (ID # 2297)

DOC ID: 2297 A

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. CDBG 2015-2016 Grant K. Memorial Park

A. Wastewater Plant Update - We are working to get bid documents ready to begin advertising for the chlorine contact basin and the sludge drying beds as soon as TWDB approves. Hopefully we can bid the soon to start construction on that portion. 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 on that.

B. Water Plant Update - Guzman & Munoz Engineering is working on the detailed items that need to be done by a contractor to include as part of the study he is doing so we can hopefully get funding through TWBD.

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 - Naismith-Hanson Engineering is working to get the bid specifications ready for us to advertise, bid, award contract and begin construction.

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

F. Hike & Bike Trails - Halff Associates is working on the final design, the timeline and a construction estimate. We received final approval from Cameron County Drainage District #1 and have an agreement signed and in place by their Board. I will be meeting with Bayview Irrigation District #11 and TxDOT to get final approval from them. 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 - The contractor is ready to begin in the next few weeks. Products and materials are being ordered.

H. TxDot Sidewalk Projects - The sidewalk project is almost complete except 2 locations 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. We are trying to get a timeline from TxDot. They keep saying soon.

I. Welcome Sign - Work continues. It is looking good and should be done in another month or so.

J. CDBG 2015-2016 Grant - This is to repave East Sixth and East Ninth Streets, a total of 3 blocks. Construction is progressing and looking real good.

K. Memorial Park - The exercise equipment bases have been installed. We are waiting on the concrete contractor to give us a time they can do the concrete work. Once that is done the rest of the equipment can be installed and be ready for use.

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2298 A

REVIEWED

ACTION ITEM (ID # 2298)

Finance Report 1. Monthly Report 2. Year-to-Date

Call with questions.

I recommend approval.

CITY OF LOS FRESNOS
REVENUE & EXPENSE REPORT (UNAUDITED)
AS OF: AUGUST 31ST, 2017

1.8.1.a

01 -GENERAL FUND
FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
00-PROPERTY TAXES	1,248,924	17,196.98	1,235,794.09	0.00	13,129.91	98.95
30-NONPROPERTY TAXES	1,240,368	113,937.83	1,205,782.48	0.00	34,585.52	97.21
07-POLICE	549,220	38,610.31	536,378.02	0.00	12,841.98	97.66
10-HEALTH	10,750	290.00	7,785.00	0.00	2,965.00	72.42
12-GARBAGE	115,250	58,288.50	166,163.80	0.00 (	50,913.80)	144.18
15-PARKS	46,000	110.00	46,612.85	0.00 (	612.85)	101.33
16-LIBRARY	16,000	1,110.10	11,641.60	0.00	4,358.40	72.76
44-Misc Revenue	25,300	1,348.97	34,880.55	0.00 (	9,580.55)	137.87
90-REIMBURSABLES	247,927	13,000.00	237,794.13	0.00	10,132.87	95.91
TOTAL REVENUES	3,499,739	243,892.69	3,482,832.52	0.00	16,906.48	99.52
<u>EXPENDITURE SUMMARY</u>						
01-CITY COUNCIL	0 (	150.00)	(150.00)	0.00	150.00	0.00
02-ADMINISTRATION	414,808	10,543.45	282,019.52	2,903.23	129,885.25	68.69
03-MUNICIPAL COURT	180,489	9,200.55	157,133.81	103.14	23,252.05	87.12
04-TAX ASSESSOR COLLECTOR	26,644	101.99	25,064.43	0.00	1,579.57	94.07
06-ELECTIONS	10,000	0.00	17,275.44	0.00 (	7,275.44)	172.75
07-POLICE	1,455,177	45,317.36	1,219,700.06	3,653.25	231,823.69	84.07
08-FIRE	102,450	575.37	81,561.28	485.15	20,403.57	80.08
09-ENGINEERING	95,000	0.00	61,103.50	0.00	33,896.50	64.32
10-HEALTH	119,975	4,742.05	90,282.53	384.23	29,308.24	75.57
11-EMERGENCY MEDICAL SERV	128,400	22.15	111,691.46	0.00	16,708.54	86.99
12-GARBAGE	5,100	1,608.12	1,951.32	0.00	3,148.68	38.26
13-STORM WATER	14,127	0.00	14,300.22	0.00 (	173.22)	101.23
14-STREETS	348,017	12,514.51	196,535.69	7,747.64	143,733.67	58.70
15-PARKS	179,233	13,238.12	346,808.08	4,777.56 (	172,352.64)	196.16
16-LIBRARY	169,466	6,629.08	128,317.77	2,704.27	38,443.96	77.31
17-COMMUNITY CENTER	12,109	123.12	7,736.83	0.00	4,372.17	63.89
18-EMERGENCY MANAGEMENT	45,000	3,052.31	26,874.51	350.00	17,775.49	60.50
19-ALL DEPARTMENT EXPENS	19,000	1,800.00	17,097.85	2,900.00 (	997.85)	105.25
21-CITY PROMOTION	4,500	0.00	4,500.00	0.00	0.00	100.00
23-DSRIP-COMMUNITY HEALT	93,034	1,761.88	89,829.88	0.00	3,204.12	96.56
24-MENTAL TASK FORCE PRO	51,070	1,895.90	45,295.23	0.00	5,774.77	88.69
28-INFORMATION TECHNOLOG	26,140	672.30	14,911.50	3,750.93	7,477.57	71.39
TOTAL EXPENDITURES	3,499,739	113,648.26	2,939,840.91	29,759.40	530,138.69	84.85
REVENUE OVER/(UNDER) EXPENDITURES	0	130,244.43	542,991.61 (	29,759.40)	(513,232.21)	0.00

Attachment: financial report (2298 : Finance Report)

CHECKLIST FOR				AUGUST 2017
GENERAL FUND				
VENDOR NAME	Inv.Date	Amount	Description	
31445	ALFREDO LOPEZ	08/04/17	\$ 160.00	OVER PAYMENT TICKET-E0007639
31446	HECTOR GARCIA	08/04/17	\$ 100.00	RENTAL DEPOSIT REFUND-LF COMMUNITY CENTER 7/29/17
31447	MANUEL RODRIGUEZ	08/04/17	\$ 50.00	RENTAL DEPOSIT REFUND-LF MEMORIAL PARK 7/29/17
31448	TONI BARAJAS	08/04/17	\$ 50.00	RENTAL DEPOSIT REFUND-LF MEMORIAL PARK 7/22/17
31449	A&A TOWING	06/23/17	\$ 245.00	TOWING OF PD VEHICLE-ACCIDENT
31450	ADAPCO, INC	07/13/17	\$ 1,220.40	MOSQUITO SPRAYING CHEMICALS
31451	AEP TEXAS	07/13/17	\$ 375.00	RENTAL FEE 7/17-6/30/18--5 CAMERAS
31452	AT&T	07/17/17	\$ 1,212.44	PHONE SERVICE-CITY HALL/PD/COURT/POOL/LIBRARY/EMS
31453	BREATH TEST SERVICES	07/24/17	\$ 3,300.00	BREATHALIZER CONTRACT 7/2017-6/2018
31454	CC DISTRIBUTORS	06/30/17	\$ 1,456.68	CLEANING SUPPLIES-CITY BUILDINGS
31455	CDC	08/04/17	\$ 32,186.91	TAX ALLOCATION END 7/11/17
31456	CHOCO'S TIRES	07/20/17	\$ 110.00	REPLACEMENT TIRE RD-141-STREET SWEEPER
31457	CITY OF LOS FRESNOS	07/20/17	\$ 906.46	UTILITIES-CITY HALL/B&G CLUB/PARKS/HYDRANTS/B&G CL
31458	CITY OF LOS FRESNOS	07/21/17	VOID	VOIDED CHECK-CONTINUED
31459	ESMERALDA MACIAS	07/10/17	\$ 150.00	REIMBURSE-LEVEL 1 CERTIFICATION EXAM
31460	FUELMAN	VARIOUS	\$ 1,724.36	FUEL FOR ENVIRONMENTAL/PD/STREET DEPT VEHICLES
31461	GENE DANIELS	08/01/17	\$ 1,536.75	AUG 2017-JUDGE/PHONE STIPEND
31462	GERONIMO SHELDON	08/01/17	\$ 451.00	AUG 2017-FIRE MARSHAL
31463	GEXA ENERGY	07/22/17	\$ 14,129.28	ELEC-STREETLIGHT/CH/PD/COURT/PARKS/LIBRARY/B&G CL
31464	GRANT WRITING USA	08/02/17	\$ 212.50	GRANT WRITING CLASS-C.GONZLES 8/28-8/29/17- WESLACO
31465	H2O PARTNERS	06/30/17	\$ 7,875.00	MULTI-JURISDICTION HAZARD MITIGATION PLAN
31466	HECTOR D HOUSE	08/04/17	\$ 336.15	IT CONTRACT SERVICE 7/22-8/4/17
31467	HECTOR'S MUFFLER	07/31/17	\$ 275.00	REPAIR A/C ON STREET SWEEPER/MUD FLAPS-RD-162
31468	INGRAM LIBRARY SERVICES	07/13/17	\$ 28.06	LIBRARY BOOKS
31469	JAMES HARRIS III	08/04/17	\$ 1,000.00	EMERGENCY MANAGEMENT COORDINATOR 7/22-8/4/17
31470	KENDRA HOUSE	07/29/17	\$ 65.27	REIMBURSE-MILES-BOG BOOTH SET UP-RATTLER'S 5K
31471	LOS FRESNOS CHAMBER OF COM	08/01/17	\$ 2,000.00	AUG 2017-SERVICE AGREEMENT
31472	MAXIMINO TORRES	07/31/17	\$ 291.00	CLEANING-PD/HEALTH/PARKS/STREET DEPT VEHICLES
31473	PETTY CASH	VARIOUS	\$ 78.87	WALMART-FRUIT-CITY HALL EMPLOYEES
31474	PRISCILLA RODRIGUEZ	07/29/17	\$ 65.27	REIMBURSE-MILES-BOG BOOTH SET UP-RATTLER'S 5K
31475	PROFESSIONAL PRINTING	07/13/17	\$ 295.00	IMPOUND FORMS/BUSINESS CARDS
31476	PROTECH SECURITY	07/25/17	\$ 135.00	REPAIR JAIL DOOR LOCK
31477	REGION STAFFING	VARIOUS	\$ 2,585.71	CONTRACT LABOR WEEKEND 7/16,7/23/17
31478	STAPLES	VARIOUS	\$ 305.51	OFFICE SUPPLIES-POS ROLLS/TONER/RIBBON CARTRIDGE/
31479	SUNTRUST EQUIPMENT	07/17/17	\$ 49,524.87	911 RADIO COMMUNICATION SYSTEM
31480	SUSANA ESCOBEDO	06/30/17	\$ 9.52	REIMBURSE MILES-READING OUTREACH PROGRAM
31481	TERMINIX INTERNATIONAL	07/20/17	\$ 38.00	PEST CONTROL-ANIMAL SHELTER
31482	THE LIBRARY STORE	07/25/17	\$ 397.44	BOOK JACKET COVERS FOR LIBRARY BOOKS
31483	TX MUNICIPAL COURTS ASSOC	07/01/17	\$ 60.00	DUES 9/1/17-8/31/18
31484	TYLER TECHNOLOGIES	08/01/17	\$ 5,692.65	ANNUAL SOFTWARE MAINT-COURT ONLINE COMPONENT
31485	VALLEY SOLVENT & CHEMICAL	07/17/17	\$ 668.65	POOL CHEMICALS-SODIUM BICARBONANTE/HYPOCHLORITE
31486	WAL-MART	07/19/17	\$ 622.66	SCHOOL SUPPLIES/BACKPACKS-BACK TO SCHOOL BASH/CI
31487	ADAN GARCIA	08/04/17	VOID	VOIDED CHECK- CLASS CANCELED-CRISIS INTERVENTION 1
31488	CITY OF PEARLAND	08/04/17	VOID	VOIDED CHECK- CLASS CANCELED-CRISIS INTERVENTION 1
31489	JORGE DELA GARZA	08/04/17	VOID	VOIDED CHECK- CLASS CANCELED-CRISIS INTERVENTION 1
31490	JOSE DAVID RODRIGUEZ	08/04/17	VOID	VOIDED CHECK- CLASS CANCELED-CRISIS INTERVENTION 1
31491	CITY OF L.F. PAYROLL ACCT	08/11/17	\$ 63,671.59	DUE TO PAYROLL #23 8/11/17
31492	MARIA CAMPOS	08/18/17	\$ 50.00	RENTAL DEPOSIT REFUND LF MEMORIAL PARK 8/12/17
31493	RAY ORTIZ	08/18/17	\$ 50.00	REFUND RENTAL LF COMMUNITY CENTER 10/14/17-CANCEL
31494	RUFINO MUNOZ	08/18/17	\$ 100.00	REFUND RENTAL LF MEMORIAL PARK 8/5/17-CANCELLED
31495	ALEXANDER BUSINESS DEVELOP	06/30/17	\$ 50.00	TPWD-QUARTERLY REPORT
31496	ALLIED WASTE SERVICES	07/31/17	\$ 40,289.75	RE: SOLID WASTE & BRUSH COLLECTION
31497	ARCHER BUSINESS SYSTEMS	VARIOUS	\$ 707.05	COPIER METER READING-CITY HALL/POLICE DEPT/COURT
31498	AT&T MOBILITY	08/01/17	\$ 1,176.54	MOBILE PHONE SVC-CITY HALL/PD/COURT/EMER MANAGE/H
31499	BATTERY UNIVERSE	07/11/17	\$ 300.00	LAPEL SPEAKER MICS FOR POLICE DEPT
31500	CAMERON COUNTY	07/25/17	\$ 72.00	DOG PICKED UP AND RETURNED TO CITY LF
31501	CDC	08/18/17	\$ 28,602.12	TAX ALLOCATION END 8/8/17
31502	CELINA GONZALES	08/15/17	\$ 39.33	MILEAGE-GRANT WRITING WORKSHOP 8/

Attachment: financial report (2298 : Finance Report)

31503	CHOCO'S TIRE SHOP	VARIOUS	\$ 84.00	FLAT REPAIR-MOWER/PD VEHICLES
31504	CINTAS	08/08/17	\$ 234.50	MEDICAL SUPPLIES-POLICE DEPT/POOL
31505	CITY OF BROWNSVILLE	07/31/17	\$ 36.00	JULY 2017-USE OF SANITARY LANDFILL
31506	DPS GENERAL SERVICES	08/15/17	\$ 65.00	BLOOD ALCOHOL TEST KITS
31507	FIRESTONE BFS	VARIOUS	\$ 866.88	TIRES FOR PD UNITS F-161/F-62/F-52
31508	FUELMAN	07/30/17	\$ 1,288.07	FUEL FOR ENVIRONMENTAL/PD/STREET DEPT VEHICLES
31509	HANSON PROFESSIONAL	VARIOUS	\$ 4,392.65	ENGINEERING-MONTES CASTRO/TXDOT SIDEWALKS/NATU
31510	HECTOR HOUSE	08/18/17	\$ 336.15	IT CONTRACT SERVICES-8/5-8/18/17
31511	HECTOR'S MUFFLER	VARIOUS	\$ 509.98	PD UNIT REPAIRS-BREAK PADS/WINDOW SWITCH/OIL CHAM
31512	HUGHESNET	08/04/17	\$ 112.41	SATELLITE INTERNET-EOC
31513	JAMES HARRIS III	08/18/17	\$ 1,000.00	EMERGENCY MANAGEMENT COORDINATOR-8/5-8/18/17
31514	LEXIS NEXIS	07/31/17	\$ 100.00	PEOPLE SEARCH PROGRAM
31515	LOS FRESNOS NEWS	VARIOUS	\$ 792.00	ADVERTISING-BIDS-MONTES PARK/SWIM LESSONS/POOL H
31516	LUIS A RAMOS	07/31/17	\$ 3,032.50	JULY 2017-CUSTOMER SERVICE INSPECTIONS
31517	MAXIMIRO TORRES	08/18/17	\$ 301.00	CLEANING-POLICE DEPT/HEALTH DEPT/PARKS/STREET VEI
31518	MIDDLETON AIR	VARIOUS	\$ 342.02	AC REPAIRS-LIBRARY/PD JAIL
31519	MUNICIPAL CODE	08/01/17	\$ 542.50	ORDINANCE ANNUAL WEB HOSTING/ORDBANK/CODE BANK
31520	NOVA HEALTHCARE	VARIOUS	\$ 84.24	PRE EMPLOYMENT SCREENING-SANDOVAL/HEYSE
31521	O'REILLY	07/20/17	\$ 24.73	CAPSULE F-53
31522	PETTY CASH	VARIOUS	\$ 90.06	WALMART-FRUIT-CITY HALL EMPLOYEES/TSTC TCOLE EXAI
31523	PROFESSIONAL PRINTING	08/09/17	\$ 165.00	ENVELOPES-MUNICIPAL COURT
31524	PROTECTION ONE ALARM	07/28/17	\$ 409.00	ANNUAL INSPECTION AND MAINTENANCE OF FIRE EXTINGL
31525	PURCHASE POWER	07/31/17	\$ 485.35	JULY 2017-POSTAGE-CITY HALL/COURT/LIBRARY/PD/ENVIRC
31526	REGION STAFFING	VARIOUS	\$ 2,432.57	CONTRACT LABOR WEEKEND 7/30,8/6/17
31527	SMARTCOM TELEPHONE	08/01/17	\$ 102.50	INTERNET SERVICE-LIBRARY
31528	SUMMIT SUPPLY CORP	08/08/17	\$ 550.00	PARK BBQ GRILLS FOR MEMORIAL/COMMUNITY PARKS
31529	TERMINIX	07/27/17	\$ 38.00	PEST CONTROL-TRAINING CENTER
31530	ZARSKY LUMBER	07/31/17	\$ 337.31	JULY 2017-SUPPLIES FOR MAINTENANCE
31531	AEP TEXAS	08/18/17	\$ 235.85	STREET LIGHTS
31532	RECORDS CONSULTANTS INC	08/21/17	\$ 1,800.00	ANNUAL FIXED ASSETS-RECORD RETENTION PLAN
31533	CITY OF L.F. PAYROLL ACCT	08/24/17	\$ 60,377.00	DUE TO PAYROLL #24 8/25/17
31534	ELIZABETH GONZALEZ	08/28/17	\$ 50.00	RENTAL DEPOSIT REFUND-LF MEMORIAL PARK 8/19/17
31535	CHARLIE BANDA	08/28/17	\$ 60.00	PER DIEM-TCOLE TRAINING-SAN ANTONIO 8/30-8/31/17
31536	CROWNE PLAZA HOTEL SAN ANTON	08/28/17	\$ 381.78	HOTEL STAY-TCOLE TRAINING-SAN ANTONIO 8/30-8/31/17
31537	HECTOR GONZALEZ	08/28/17	\$ 60.00	PER DIEM-TCOLE TRAINING-SAN ANTONIO 8/30-8/31/17
31538	JACQUELINE CHAPA	08/28/17	\$ 60.00	PER DIEM-TCOLE TRAINING-SAN ANTONIO 8/30-8/31/18
31539	JUAN RODRIGUEZ	08/28/17	VOID	VOIDED CHECK-COULD NOT ATTEND TCOLE TRAINING
		TOTAL	\$ 348,813.84	

CITY OF LOS FRESNOS
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: AUGUST 31ST, 2017

1.8.1.a

05 - UTILITY FUND
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
00-REVENUES	2,368,400	352,837.18	2,572,240.74	0.00 (	203,840.74)	108.61
44-MISCELLANEOUS INCOME	0	4,544.00	26,659.99	0.00 (	26,659.99)	0.00
TOTAL REVENUES	2,368,400	357,381.18	2,598,900.73	0.00 (	230,500.73)	109.73
<u>EXPENDITURE SUMMARY</u>						
02-WATER ADMINISTRATION	500,732	23,264.04	479,369.58	336.81	21,025.61	95.80
05-INFORMATION TECHNOLOG	13,070	336.16	7,455.85	1,875.46	3,738.69	71.39
26-WATER SUPPLIES	106,500	2,932.30	103,007.23	6,230.61 (	2,737.84)	102.57
27-MAINTENANCE OF WATER S	9,000	133.56	6,875.39	710.00	1,414.61	84.28
28-MAINTENANCE OF WATER E	53,489	413.48	28,799.52	126.46	24,563.02	54.08
29-WATER PURCHASES	43,562	4,282.66	33,917.70	0.00	9,644.30	77.86
30-WATER MISCELLANEOUS EX	415,174	1,768.80	317,238.16	0.00	97,935.84	76.41
20-CAPITAL OUTLAY	65,651	0.00	30,841.60	0.00	34,809.40	46.98
32-WATER BONDED INDEBTEDN	94,662	0.00	66,661.36	0.00	28,000.64	70.42
34-SEWER ADMINISTRATION	611,682	34,236.32	538,322.64	336.81	73,022.55	88.06
35-INFORMATION TECHNOLOG	13,070	336.16	7,455.84	1,875.47	3,738.69	71.39
36-SEWER SUPPLIES	74,250	1,626.27	60,717.69	3,848.00	9,684.31	86.96
37-MAINTENANCE OF SEWER S	7,000	325.00	22,927.86	0.00 (	15,927.86)	327.54
38-MAINTENANCE OF SEWER E	72,500	1,990.20	106,827.45	18.50 (	34,345.95)	147.37
39-SEWER MISC. EXPENSES	524,500	1,768.80	15,919.38	0.00	508,580.62	3.04
41-SEWER BONDED INDEBTEDN	59,799	0.00	22,798.55	0.00	37,000.45	38.13
52-TRANSFER OUT	429,999	0.00	431,754.50	0.00 (	1,755.50)	100.41
TOTAL EXPENDITURES	3,094,640	73,413.75	2,280,890.30	15,358.12	798,391.58	74.20
REVENUE OVER/(UNDER) EXPENDITURES	(726,240)	283,967.43	318,010.43 (	15,358.12)	(1,028,892.31)	41.67-

Attachment: financial report (2298 : Finance Report)

CHECKLIST FOR				AUGUST 2017
WATER & SEWER				
CK #	VENDOR NAME	Inv.Date	Amount	Description
146986	AERACI.COM	07/24/17	\$ 475.99	YEARLY MAINTENANCE OF ICE MACHINE
146987	ANA-LAB	07/24/17	\$ 132.00	WATER TESTING-JULY 2017
146988	AT&T	07/17/17	\$ 73.37	PHONE SERVICE-WATER/SEWER
146989	BICKERSTAFF HEATH DELGADO	07/15/17	\$ 3,669.00	ATTORNEY FEES-ERH
146990	CHEMTRADE	07/20/17	\$ 2,475.04	CAUSTIC SODA-WTP
146991	CHOCO'S TIRE SHOP	07/28/17	\$ 70.00	FLAT REPAIR-WS-051/ USED TIRE-WS-061
146992	CINTAS CORPORATION	VARIOUS	\$ 901.72	CLEANING-W/S UNIFORMS
146993	CITY OF LOS FRESNOS	07/20/17	\$ 290.18	UTILITES-WATER/SEWER/GARBAGE-SEWER PLANT/LIFT S
146994	EAST RIO HONDO WATER	VARIOUS	\$ 274.40	WATER SERVICE-EDAP LIFT STATIONS
146995	FERGUSON ENTERPRISES	07/27/17	\$ 260.34	ALTITUDE PILOT VALVE REPAIR KIT-WTP
146996	FUELMAN	VARIOUS	\$ 405.57	FUEL FOR WATER/SEWER VEHICLES
146997	GEXA ENERGY	07/22/17	\$ 12,604.84	ELECTRICITY-WATER/SEWER DEPT
146998	GRANT WRITING USA	08/02/17	\$ 212.50	GRANT WRITING CLASS-C.GONZLES 8/28-8/29/17- WESLA
146999	HECTOR D HOUSE	08/04/17	\$ 336.16	IT CONTRACT SERVICE 7/22-8/4/17
147000	INTEGRITY TESTING	07/28/17	\$ 776.00	JULY 2017-SEWER TESTING
147001	LUIS MASCORRO	VARIOUS	\$ 1,125.00	REPAIRS-N.AREATOR/RESERVOIR PUMP/STORAGE TANK/
147002	MAXIMINO TORRES	07/31/17	\$ 142.00	CLEANING-W/S VEHICLES
147003	PRAXAIR	07/22/17	\$ 201.87	CHEMICAL CYLINDER RENTAL
147004	REGION STAFFING	VARIOUS	\$ 1,790.56	CONTRACT LABOR WEEKENDING 7/16,7/23/17
147005	SHARE CORPORATION	07/13/17	\$ 159.60	POWER PURGE TO CLEAN SEWER LINES
147006	STAPLES	VARIOUS	\$ 305.50	OFFICE SUPPLIES-POS ROLLS/TONER/RIBBON CARTRIDG
147007	TERMINIX	07/20/17	\$ 38.00	PEST CONTROL-SERVICE CENTER
147008	TYLER TECHNOLOGIES	08/01/17	\$ 2,995.10	ANNUAL SOFTWARE MAINT 9/1-8/31/18
CHECK 147009			UTILITY DEPOSIT REFUND CHECK	
147010	CITY OF L.F. PAYROLL ACCT	08/11/17	\$ 32,987.84	DUE TO PAYROLL #23 8/11/17
147011	US POSTMASTER	08/17/17	\$ 134.30	POSTAGE-LATE NOTICE WATER BILLS
147012	AGUAWORKS	08/01/17	\$ 383.80	PLASTIC METER BOXES/GASKETS/PVC CAPS
147013	ANA-LAB	08/09/17	\$ 132.00	WATER TESTING-AUGUST 2017
147014	AT&T MOBILITY	08/01/17	\$ 258.50	MOBILE PHONE SERVICE-WATER/SEWER DEPT
147015	BRENNTAG SOUTHWEST	07/25/17	\$ 3,774.06	LIQUID ALUM BLEND-WATER PLANT CHEMICALS
147016	CCID #6	06/30/17	\$ 3,118.81	RAW WATER-JULY 2017/ WATER-AGUA NEGRA LAKE
147017	CELINA GONZALEZ	08/15/17	\$ 39.32	MILEAGE-GRANT WRITING WORKSHOP 8/28-8/29/17
147018	CHEMTRADE CHEMICALS	07/21/17	\$ 2,784.38	LIQUID AMMONIUM SULFATE-WTP CHEMICALS
147019	CHOCO'S TIRE SHOP	VARIOUS	\$ 265.00	INSTALL 4 NEW TIRES ON BACKHOE WS-051/2 FLAT REPA
147020	CINTAS CORP	08/08/17	\$ 95.56	MEDICAL SUPPLIES-PUBLIC WORKS
147021	DEPARTMENT STATE HEALTH SER	08/01/17	\$ 52.92	6 WATER SAMPLES 7/19/17
147022	FERGUSON ENTERPRISES	08/07/17	\$ 133.80	REPAIR KIT-FIRE HYDRANT DIFFUSER KITS
147023	FIRESTONE BFS	08/04/17	\$ 1,109.50	TIRES FOR BACKHOE WS-051
147024	FUELMAN	07/30/17	\$ 325.14	FUEL FOR WATER/SEWER VEHICLES
147025	HECTOR D HOUSE	08/18/17	\$ 336.16	IT CONTRACT SERVICE 8/5-8/18/17
147026	IMPERIAL ELECTRIC	07/28/17	\$ 2,783.00	REPAIR PUMPS-LS#19/ LS#13
147027	LOS FRESNOS NEWS	07/26/17	\$ 42.00	AD-RFP FIRE HYDRANTS BIDS
147028	LUIS MASCORRO	08/08/17	\$ 560.00	REPAIRS-S.AREATOR #1 MOTOR/ CONTROL PANEL
147029	MAX TORRES	08/18/17	\$ 132.00	CLEANING-WATER/SEWER VEHICLES
147030	MUNICIPAL CODE	08/01/17	\$ 542.50	ORDINANCE ANNUAL WEB HOSTING/ORDBANK/CODE BAN
147031	PURCHASE POWER	07/31/17	\$ 35.62	JULY 2017 POSTAGE
147032	REGION STAFFING	VARIOUS	\$ 1,884.80	CONTRACT LABOR WEEKENDING 7/30,8/6/17
147033	TOWN OF INDIAN LAKE	VARIOUS	\$ 4,520.68	APRIL-JULY 2017-SOUTHMOST WATER
147034	ZARSKY LUMBER	07/31/17	\$ 496.93	JULY 2017-SUPPLIES FOR MAINTENANCE
147035	CITY OF L.F. PAYROLL ACCT	08/24/17	\$ 32,855.76	DUE TO PAYROLL #24 8/25/17
147036	US POSTMASTER	08/28/17	\$ 508.86	POSTAGE-FIRST NOTICE WATER BILLS
TOTAL			\$ 120,007.98	
UTILITY DEPOSIT REFUND CHECKS				
147009	MONTES, RODOLFO	08/04/17	\$ 88.85	ACCT #03-20680-07 UTILITY DEPOSIT REFUND
TOTAL			\$ 88.85	

CITY OF LOS FRESNOS
 REVENUE & EXPENSE REPORT (UNAUDITED)
 AS OF: AUGUST 31ST, 2017

09 -COMMUNITY DEVELOPMENT COR
 FINANCIAL SUMMARY

% OF YEAR COMPLETED: 91.67

	CURRENT BUDGET	CURRENT PERIOD	YEAR TO DATE ACTUAL	TOTAL ENCUMBERED	BUDGET BALANCE	% YTD BUDGET
<u>REVENUE SUMMARY</u>						
52-CDC DISBURSEMENTS	310,733	0.00	275,885.95	0.00	34,847.05	88.79
TOTAL REVENUES	310,733	0.00	275,885.95	0.00	34,847.05	88.79
<u>EXPENDITURE SUMMARY</u>						
52-CDC DISBURSEMENTS	310,733	16,953.94	182,188.85	64,356.58	64,187.57	79.34
TOTAL EXPENDITURES	310,733	16,953.94	182,188.85	64,356.58	64,187.57	79.34
REVENUE OVER/ (UNDER) EXPENDITURES	0	(16,953.94)	93,697.10	(64,356.58)	(29,340.52)	0.00

Attachment: financial report (2298 : Finance Report)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2317 A

REVIEWED

ACTION ITEM (ID # 2317)

**Public Works Report 1. Water and Wastewater Activity 2.
Calls for Service 3. Building Permits 4. Recycling**

Call with questions.

I recommend approval.

**City of Los Fresnos
Water Treatment Plant
And
Wastewater Treatment Plant**

Activity for the month of August 2017

Water Treatment Plant

Total Output: 17,504,190
Daily Average: 564,651
% of Capacity: 56.5%

Waste Water Treatment Plant

Total Output: 15,003,000
Daily Average: 483,968
% of Capacity: 48.4%

Attachment: public works report (2317 : Public Works Report)

CITY OF LOS FRESNOS
PUBLIC WORKS DEPARTMENT
MONTHLY REPORT
AUGUST 2017

CALLS FOR SERVICE	MONTH TOTAL	YEAR TO DATE
Service Connects/Disconnects	54	770
Rereads/Meter Info	49	405
Water Taps	1	19
Sewer Taps	0	0
Change Meter	2	38
Service Check for Water Leak at Account	12	125
Repaired Leak	2	178
Call for Sewer Stoppage	9	68
City Sewer Lines Unstopped	4	39
Code Enforcement/Other	47	545
Pothole Repairs	85	178
Street Repairs	1	1
Street Sign Replacement/Repaired	2	14
Asphalt Used (ton)	1.4	11.3
Gravel Used (ton)	3	25
Fire Hydrants Flushed and Oiled	6	52
Fire Hydrants Repaired	0	0
Valves Repaired	0	0
Manholes Cleaned/Repaired	4	33


 Carlos Salazar, Director of Public Works

Attachment: public works report (2317 : Public Works Report)

CITY OF LOS FRESNOS
BUILDING PERMITS ISSUED

	BUILDING PERMITS		PLUMBING PERMITS		ELECTRICAL PERMITS		MECHANICAL PERMITS		MOVING PERMITS		MONTH & YEAR	
	MONTH	YTD	MONTH	YTD	MONTH	YTD	MONTH	YTD	MONTH	YTD	MONTH VALUATION	YEAR TO DATE VALUATION
SINGLE FAMILY	2	22	1	15	1	16	1	10		4	\$152,952.00	\$1,436,952.00
DUPLEXES/APARTMENTS												
PUD DEVELOPMENT		1		1								\$600,000.00
Emergency Services Complex	1	1	1	1	1	1	1	1			\$1,200,000.00	\$1,200,000.00
HOTEL/MOTEL / BANK												
OFFICES/ STORAGE		1		1								\$300,000.00
DOCTOR OFFICE												
STORES/RESTAURANTS						1						
SIGNS	1	7									\$5,900.00	\$24,980.00
CHURCHES/OTHER BUILDINGS												
FENCE/DRIVEWAY/REROOF	3	42									\$7,450.00	\$109,293.32
SWIMMING POOLS		1		1		1						\$43,540.00
RESIDENTIAL ADD/REMODEL	3	31	2	6		7	1	2			\$80,976.00	\$296,211.00
APARTMENT REMODEL												
COMMERCIAL ADD/REMODEL		5		3		3						\$109,200.00
STORAGE/GARAGES/CARPORPTS		16				1						\$29,329.00
Fire/Work Stands		8										\$2,400.00
TOTALS	10	135	4	28	2	30	3	13	0	4	\$1,447,278.00	\$4,151,905.32

**City of Los Fresnos
Recycling Program
Total Number of Guest
August 2017**

Date	Tuesdays at Memorial Park
08/01/17	19
08/08/17	23
08/15/17	28
08/22/17	27
08/29/17	22
Totals	119

Date	Thursdays at Community Park
08/03/17	27
08/10/17	29
08/17/17	24
08/24/17	0
08/31/17	26
Totals	106

Date	Saturdays at City Hall
08/05/17	19
08/12/17	22
08/19/17	17
08/26/17	14
Totals	72

Total attendance for the Month of August	297
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Attachment: public works report (2317 : Public Works Report)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2300 A

REVIEWED

ACTION ITEM (ID # 2300)

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

Call with questions.

I recommend approval.

LOS FRESNOS POLICE DEPARTMENT

Incidents - By Violation

08\01\2017
thru 08\31\2017

Violation	Incidents
ABANDON ENDANGER CHILD W/INTENT TO RETURN	1
ABANDONED VEHICLES	10
ACCIDENT INVOLVING DAMAGE TO VEHICLE>=\$200	1
AGG ASSAULT W/DEADLY WEAPON	1
ALARMS	17
ANIMAL CONTROL	32
ASSAULT	3
BURGLARY OF HABITATION	4
BURGLARY OF VEHICLE 23f	5
CITY ORD VIOLATION	1
CRIMINAL MISCHIEF >=\$50<\$500	2
CRIMINAL MISCHIEF >=\$500<\$1,500	1
CRIMINAL MISCHIEF DAMAGE/DESTR WORSHIP/SCHOOL	1
CRIMINAL MISCHIEF/CLASS C	2
CRIMINAL TRESPASS	3
DOG AT LARGE	10
DRIVING WHILE INTOXICATED	1
DRIVING WHILE INTOXICATED 2ND	2
DRIVING WHILE INTOXICATED BAC >= 0.15	1
DRIVING WHILE LICENSE SUSPENDED UNDER PROVISIONS OF DL LAWS	1
DUTY ON STRIKING UNATTENDED VEHICLE	1
EXECUTION OF CAPIAS OR ARREST WARRANT	8
FAILURE TO IDENTIFY	1
FRAUD TELECOMMUNICATION SERVICE	1
GARAGE SALES	2
GRAFFITI OFFENSE	2
HARASSMENT	5
ILLEGAL DUMPING >5 LBS < 500 LBS	2
INDECENCY W/A CHILD EXPOSES 11b	1
INDECENCY W/CHILD SEXUAL CONTACT 11a	2
INDECENT EXPOSURE	2
LIVESTOCK AND FOWL	2
LOUD NOISE	7
MINOR IN POSSESSION OF ALCOHOL	1
MOTOR VEHICLE THEFT	1
NO PROOF OF FINANCIAL RESPONSIBILITY	3
PEDDLERS AND SOLICITORS	1
PERMIT OF FOOD SERVICE ESTABLISHMENT	3
POSS CS PG 1 <1G	1
POSS MARIJ <2OZ	2
POSSESSION OF DRUG PARAPHERNALIA	2
PROMOTE CERTAIN VIS MAT: HARASS/PREV CONV	1
PUBLIC INTOXICATION	2
PUBLIC INTOXICATION BY MINOR	2
REGULATES & RESTRICTS THE LOCATION AND USE OF BUILDING	2
RESIST ARREST SEARCH OR TRANSPORT	2
RIGHT OF WAYS/BASKETBALL NETS	3
SEMI TRUCK ROUTE	2
STALKING	1
TERRORISTIC THREAT 13a	1

09/01/2017 11:50

1 of 2

Attachment: police reports (2300 : Police Department Report)

Violation	Incidents
THEFT	12
THEFT PROP<\$1,500 2/MORE PREV CONVIC 23a	1
UNAUTH USE OF VEHICLE 23h	1
UNAUTH USE OF VEHICLE 240	1
WEDED OR RUBBISH LOT	18
WELFARE CONCERN	1
Total Violations	199
Total Incidents	193

Attachment: police reports (2300 : Police Department Report)

LOS FRESNOS POLICE DEPARTMENT

Arrests - By Violation

08\01\2017
thru 08\31\2017

Violation	# of Offenses
ASSAULT	1
ASSAULT CAUSES BODILY INJURY FAMILY VIOLENCE 13a	1
BURGLARY HABITATION INTEND OTHER FELONY	1
BURGLARY OF VEHICLE 23f	1
CHILD IN NEED OF SUPERVISION RUNAWAY	1
CRIMINAL MISCHIEF DAMAGE/DESTR WORSHIP/SCHOOL	1
DRIVING WHILE INTOXICATED	3
DRIVING WHILE INTOXICATED 2ND	2
DRIVING WHILE INTOXICATED BAC >= 0.15	1
DRIVING WHILE LICENSE SUSPENDED UNDER PROVISIONS OF DL LAWS	1
DUTY ON STRIKING UNATTENDED VEHICLE	1
EXECUTION OF CAPIAS OR ARREST WARRANT	11
FAILURE TO IDENTIFY	2
HOLD FOR CUSTOMS	3
INDECENT EXPOSURE	2
MAN DEL CS PG 1 >=4G<200G	1
MINOR IN POSSESSION OF ALCOHOL	1
POSS CS PG 1 <1G	1
POSS MARIJ <2OZ	3
POSSESSION OF DRUG PARAPHERNALIA	1
PUBLIC INTOXICATION	3
PUBLIC INTOXICATION BY MINOR	2
RESIST ARREST SEARCH OR TRANSPORT	2
THEFT	1
UNAUTH USE OF VEHICLE 23h	2
Total Violations	49
Total Arrests	38

Attachment: police reports (2300 : Police Department Report)

LOS FRESNOS POLICE DEPARTMENT

Accident - By Street & Intersection

08\01\2017
thru 08\31\2017

Street & Intersection	Accidents	Fatalities	Vehicles	Injured
33700 OLD ALICE RD & OCEAN	1	0	2	1
5TH & COMA	1	0	2	0
8TH & NOGAL	1	0	2	0
ARROYO & 3RD	1	0	2	0
ARROYO & ALVAREZ	1	0	2	0
ARROYO & OCEAN	1	0	2	0
LEGION TRAIL & 8TH	1	0	2	0
OCEAN & BRAZIL	1	0	3	0
OCEAN & EVERGREEN	4	0	8	0
OCEAN & FM 1575	1	0	2	0
OCEAN & FM 803	1	0	3	1
OCEAN & MESQUITE	2	0	4	0
OCEAN & OLMO	1	0	2	0
OCEAN & PALMA	1	0	0	0
STATE HWY 100 & FM 1575	1	0	2	0
STATE HWY 100 & LONGHORN	1	0	2	0
WHIPPLE & EVERGREEN	1	0	0	0
Total	21	0	40	2

Attachment: police reports (2300 : Police Department Report)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2301 A

REVIEWED

ACTION ITEM (ID # 2301)

Municipal Court Report 1. Monthly Report

Call with questions.

I recommend approval.

OFFICIAL MUNICIPAL COURT MONTHLY REPORT

1.8.4.a

MUNICIPAL COURT OF <u>Los Fresnos</u>	TRAFFIC		NON-TRAFFIC MISDEMEANORS	
	NON-PARKING	PARKING	STATE LAW	CITY ORDINANCE
FOR MONTH <u>August</u> YEAR <u>2017</u>				
1. New Cases Filed During the Month	<u>705</u>		<u>62</u>	<u>3</u>
2. Dispositions Prior to Trial:				
A. Bond Forfeitures				
B. Fined <i>(Before trial only. If the defendant goes to trial, enter in Item 3.)</i>				
C. Cases Dismissed <i>(Do not include dismissals that are to be reported in Items 3C and 4 below.)</i>				
3. Dispositions at Trial:				
A. Trial by Judge				
(1) Finding of Guilty	<u>254</u>		<u>14</u>	<u>0</u>
(2) Finding of Not Guilty				
B. Trial by Jury				
(1) Finding of Guilty				
(2) Finding of Not Guilty				
C. Dismissed at Trial	<u>61</u>		<u>5</u>	
4. Cases Dismissed:				
A. After Driver Safety Course <i>(C.C.P., Art. 45.0511)</i>	<u>103</u>			
B. After Deferred Disposition <i>(C.C.P., Art. 45.051)</i>	<u>57</u>		<u>2</u>	
C. After Proof of Financial Responsibility <i>(Transportation Code, Sec. 601.193)</i>	<u>8</u>			
D. Compliance Dismissal <i>(Proof of Inspection, License, or Registration)</i>	<u>29</u>			
5. Community Service Ordered <i>(For satisfaction of fine or costs only.)</i>	<u>13</u>			
6. Cases Appealed				
7. Juvenile / Minor Activity:				
A. Transportation Code Cases Filed	<u>2</u>			
B. Non-Driving Alcoholic Beverage Code Cases Filed				
C. Driving Under the Influence of Alcohol Cases Filed				
D. Health & Safety Code (Tobacco) Cases Filed				
E. Failure to Attend School Cases Filed <i>(Education Code, Sec. 25.094)</i>				
F. Education Code (Except Failure to Attend) Cases Filed				
G. Violation of Local Daytime Curfew Ordinance Cases Filed <i>(Loc. Govt. Code, Sec. 341.905)</i>				
H. All Other Non-Traffic Fine-Only Cases Filed	<u>2</u>			
I. Waiver of Jurisdiction of Non-Traffic Cases <i>(Family Code, Sec. 51.08(b))</i>				
J. Referred to Juvenile Court for Delinquent Conduct <i>(C.C.P., Art. 45.050 (c)(1))</i>				
K. Held in Contempt, Fined, or Denied Driving Privileges <i>(C.C.P., Art. 45.050 (c)(2))</i>				
Magistrate Warnings Given (Juvenile):				
L. Warnings Administered				
M. Statements Certified				
8. Parent Contributing to Nonattendance Cases Filed <i>(Education Code, Sec. 25.093)</i>				
9. Safety Responsibility and Driver's License Suspension Hearings Held				
10. Search Warrants Issued <i>(Do not include warrants for arrest.)</i>				
11. Arrest Warrants Issued:				
A. Class C Misdemeanors Only				<u>514</u>
B. Felonies and Class A and B Misdemeanors Only				
12. Magistrate Warnings Given: <i>(Given to defendants charged with county or district court offense.)</i>				
A. Class A and B Misdemeanors Only				<u>13</u>
B. Felonies				<u>3</u>
13. Emergency Mental Health Hearings Held				
14. Magistrate's Orders for Emergency Protection				
15. Total Revenue			\$	<u>78,792.15</u>

Attachment: municipal court report (2301 : Municipal Court Report)

Citation No.	Docket No.	Violator		TOTAL FOR REPORT			
Code	Payments	Refunds	Net	G/L	Acct No.		
FINE	377 22,858.85	17 1,131.60-	21,727.25	01	407-0240		
CCC04	500 18,850.30	1 20.00-	18,830.30	01	2512		
TFC	404 1,211.00	0 0.00	1,211.00	01	407-0240		
AR	467 2,335.00	0 0.00	2,335.00	01	407-0240		
TECH	487 1,876.70	0 0.00	1,876.70	01	407-0241		
STF	405 11,714.00	0 0.00	11,714.00	01	2512		
MCBS	454 1,345.00	0 0.00	1,345.00	01	407-0270		
SJRF	445 1,780.00	0 0.00	1,780.00	01	2512		
JFCT2	440 2,334.90	0 0.00	2,334.90	01	2512		
JFCI	439 263.40	0 0.00	263.40	01	407-0240		
IDF	431 861.00	0 0.00	861.00	01	2512		
CJFS	337 30.33	0 0.00	30.33	01	2512		
CJFC	337 3.37	0 0.00	3.37	01	407-0240		
TPF	420 836.00	0 0.00	836.00	01	2512		
WRNTFE	90 4,300.00	0 0.00	4,300.00	01	407-0240		
TLFTA1	71 1,367.00	0 0.00	1,367.00	01	2512		
TLFTA2	69 414.00	0 0.00	414.00	01	2517		
TLFTA3	69 276.00	0 0.00	276.00	01	407-0240		
COLAGY	43 2,650.41	2 135.30-	2,515.11	01	2513		
TP-L	57 382.40	3 18.90-	363.50	01	407-0240		
TP-S	46 486.20	2 25.00-	461.20	01	2512		
TP-L-J	42 102.40	2 5.00-	97.40	01	407-0260		
DSC	73 722.70	0 0.00	722.70	01	407-0240		
NSF	1 40.00	0 0.00	40.00	01	407-0300		
AF2	24 480.00	0 0.00	480.00	01	407-0240		
ACC	5 42.70	0 0.00	42.70	01	407-0240		
OP	2 135.30	2 135.30-	0.00	01	2516		
SPEX	55 4,321.90	0 0.00	4,321.90	01	407-0290		
AF	5 50.00	0 0.00	50.00	01	407-0240		
CVC	10 145.00	0 0.00	145.00	01	2512		
CJP	1 5.00	0 0.00	5.00	01	2512		
JCPT2	9 18.00	0 0.00	18.00	01	2512		
CCC	9 139.00	0 0.00	139.00	01	2512		
FA	8 40.00	0 0.00	40.00	01	2512		
JCD	4 1.00	0 0.00	1.00	01	2512		
JCD2	4 2.00	0 0.00	2.00	01	2512		
CMI	4 2.00	0 0.00	2.00	01	2512		
TXSBLT	5 191.00	0 0.00	191.00	01	2515		
MSB	2 18.00	0 0.00	18.00	01	2513		
JFCT	8 27.20	0 0.00	27.20	01	2512		
JFCT S2	15 317.30	0 0.00	317.30	01	407-0280		
Total:	6669 82,976.36	29 1,471.10-	81,505.26				

Handwritten notes:
 city 37033
 court tech 1876.7
 Bldg sec. 1345
 judge ed. 97.4
 omni 414
 coll agency 2533
 child 0317.3
 op. 0
 state 39287

Cash Payments....+ \$78,293.76
 Bond Forfeited...+ \$0.00
 Bond Applied.....+ \$3,346.80
 Payment Refunded.- \$135.30-
 Fees/Fines Paid..= \$81,505.26

Attachment: municipal court report (2301 : Municipal Court Report)

City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2302 A

REVIEWED

ACTION ITEM (ID # 2302)

Library Report 1. Monthly Report

Call with questions.

I recommend approval.



ETHEL L. WHIPPLE MEMORIAL LIBRARY
LIBRARIAN'S REPORT
AUGUST 2017

Number of Patron Checking Out Materials

Adult	819
Children	120
Teens	11



Material Types Checked Out

Adult Books	264
Children Books	138
Young Adult Books	190
Videos	316
Audios	3
Other Language Books	16
Hotspots	33
Laptops	12



Items Downloaded

eBooks	64
eAudiobooks	14



Patron Access Computer Use

Total Sessions	761
Total Time	475 hours
Guest Passes	195



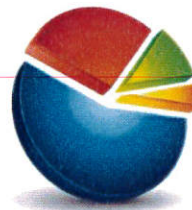
Free WiFi Access Use

Total Sessions	785 Library WiFi
Total Time	2,055 hours
Total Sessions	204 Park WiFi
Total Time	714 hours



What Happened In the Library

Hours Open	184 hours
Visits	2,840
Children Program Attendance	285
Volunteer Hours	455
New Cards Issued	46
Cards Renewed	104
New Books Added	103
New eBooks Added	243
New Videos Added	20
Hotspots Added	10
Books Weeded	43
Videos Weeded	1
Reference Questions	455
Assists in Computer Lab	375
Patron Copies	1,947
Patron Faxes sent	120
Patron Printouts	2,218
Library Staff Copies	1,052
Replacement Cards	18



City Council
200 North Brazil
Los Fresnos, TX 78566

Meeting: 09/12/17 06:00 PM
Department: City Secretary
Category: Report
Prepared By: Pam Denny
Initiator: Pam Denny
Sponsors:
DOC ID: 2304 A

REVIEWED

ACTION ITEM (ID # 2304)

Fire Marshal's Report 1. Monthly Report

Call with questions.

I recommend approval.



FIRE MARSHAL'S OFFICE
200 NORTH BRAZIL
LOS FRESNOS, TEXAS 78566

FIRE INSPECTION REPORT

MONTHLY INFORMATION REPORT
MONTH OF August 2014

<u>FIRES</u>	<u>INSIDE CITY</u>	<u>OUTSIDE CITY</u>
Business Structures	_____	_____
Dwellings	_____	<u>4</u>
Mobile Homes	_____	_____
Grass	<u>1</u>	<u>8</u>
Refuse	<u>1</u>	_____
Institutional	_____	_____
Motor Vehicles	<u>1</u>	_____
Rescue Calls	<u>3</u>	<u>3</u>
Incendiary or Suspicious Fires	_____	_____
Other Calls	<u>3</u>	<u>13</u>
TOTAL ALARMS	_____	<u>37</u>

MONTHLY FIRE PREVENTION INSPECTIONS

Commercial Businesses	<u>1</u>	Institutions	<u>5</u>
Industrial Structures	_____	Homes	_____
Public Buildings	<u>4</u>	Apartments	_____
Hotels/Motels	_____		
TOTAL INSPECTIONS	<u>10</u>		

SCHOOL, HOSPITAL AND NURSING HOME FIRE DRILLS SUPERVISED: _____

LECTURES-PRESENTATIONS MADE/FILMS: SHOWN _____ TOTAL AUDIENCE _____

FIRES INVESTIGATED: (ACCIDENTAL) 1 (INCENDIARY) _____

Gerardo S. Saldaña
FIRE MARSHAL, CITY OF LOS FRESNOS

Attachment: fire marshal report (2304 : Fire Marshal's Report)