

City Council

520 E Ocean Blvd.

Regular Meeting

Los Fresnos, TX 78566

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

~ Minutes ~

Tuesday, October 8, 2019

6:00 PM

City Hall

Agenda

- A. Call meeting to order
- B. Invocation and Pledge of Allegiance

Mr. Milum gave the invocation and led the audience in the pledge of allegiance.

Consent Agenda

Council member Yolanda Cruz requested for item 10 be pulled from the consent agenda.

Consideration and ACTION to approve the minutes from: August 13, 2019; August 20, 2019; August 27, 2019; September 3, 2019; September 10, 2019.Adopted

Motion was made and seconded to approve the minutes from August 13, 2019; August 20, 2019; August 27, 2019; September 3, 2019; September 10, 2019.

Swain Real made a motion to approve Consideration and ACTION to approve the minutes from: August 13, 2019; August 20, 2019; August 27, 2019; September 3, 2019; September 10, 2019., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve the second reading of Ordinance 506 an ordinance declaring unopposed candidates in the November 5, 2019 general city election, elected to office; canceling the election; providing a severability clause; and providing an effective date.Adopted

Motion was made and seconded to approve the second reading of Ordinance 506 an ordinance declaring unopposed candidates in the November 5, 2019 general city election, elected to office; canceling the election; providing a severability clause; and providing an effective date.

Swain Real made a motion to approve Consideration and ACTION to approve the second reading of Ordinance 506 an ordinance declaring unopposed candidates in the November 5, 2019 general city election, elected to office; canceling the election; providing a severability clause; and providing an effective date., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve the action of the Community Development Corporation for the purchase of 5 sets of bleachers for Los Fresnos Community Park.Adopted

Motion was made and seconded to approve the action of the Community Development Corporation for the purchase of 5 sets of bleachers for Los Fresnos Community Park.

Swain Real made a motion to approve Consideration and ACTION to approve the action of the Community Development Corporation for the purchase of 5 sets of bleachers for Los Fresnos Community Park., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve or reject the action of the Community Development Corporation for exterior fence replacement and baseball field fence replacement at Los Fresnos Community Park.Adopted

Motion was made and seconded to approve or reject the action of the Community Development Corporation for exterior fence replacement and baseball field fence replacement at Los Fresnos Community Park.

Swain Real made a motion to approve Consideration and ACTION to approve or reject the action of the Community Development Corporation for exterior fence replacement and baseball field fence replacement at Los Fresnos Community Park., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve the action of the Community Development Corporation to upgrade electrical and pool lights for the Swimming Pool.Adopted

Motion was made and seconded to approve the action of the Community Development Corporation to upgrade electrical and pool lights for the Swimming Pool.

Swain Real made a motion to approve Consideration and ACTION to approve the action of the Community Development Corporation to upgrade electrical and pool lights for the Swimming Pool., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve the final plat for Ortega Subdivision.Adopted

Motion was made and seconded to approve the final plat for Ortega Subdivision.

Swain Real made a motion to approve Consideration and ACTION to approve the final plat for Ortega Subdivision., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve the final plat and construction plans for Old Home Place Subdivision.Adopted

Motion was made and seconded to approve the final plat and construction plans for Old Home Place Subdivision.

Swain Real made a motion to approve Consideration and ACTION to approve the final plat and construction plans for Old Home Place Subdivision., seconded by James Herrera the vote was [Unanimous].

Discuss, consider and adopt resolution to designate authorized signators for the 2019 Disaster Relief Texas CDBG program contract 7219037.Adopted

Motion was made a seconded adopt resolution to designate authorized signators for the 2019 Disaster Relief Texas CDBG program contract 7219037.

Swain Real made a motion to approve Discuss, consider and adopt resolution to designate authorized signators for the 2019 Disaster Relief Texas CDBG program contract 7219037., seconded by James Herrera the vote was [Unanimous].

Discuss, consider and approve a resolution adopting required CDBG Civil Rights policies.Adopted

Motion was made and seconded to approve a resolution adopting required CDBG Civil Rights policies.

Swain Real made a motion to approve Discuss, consider and approve a resolution adopting required CDBG Civil Rights policies., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve a Service Agreement with The University of Texas Health Science Center.Adopted

Mr. Milum explained he wanted to give Lisa Mitchell Bennett with the University of Texas, the opportunity to speak about the program. This item was discussed at the time the budget was approved.

Ms. Bennett thanked the council and city for their continuing participation in the program. She stated that Los Fresnos has been a leader among the 11 participating cities. She thanked them again for continuing to participate another year in the program and for the cities great work.

Council member Juan Munoz stated he had read through the agreement and wanted to know if there was anything about discrimination of sex, religion or color.

Mr. Milum explained that it is the same agreement that has been approved previously but he would read it to make sure it stated what Mr. Munoz was requesting.

Mr. Munoz said he would like to see that on the agreement.

Ms. Bennett explained that the University would definitely require that but she was not sure why it was not on this agreement. She would have an addendum document with the changes requested by Mr. Munoz.

Motion was made and seconded to approve a Service Agreement with The University of Texas Health Science Center with changes requested by Council member Juan Munoz.

James Herrera made a motion to approve Consideration and ACTION to approve a Service Agreement with The University of Texas Health Science Center., seconded by Joe Collinworth the vote was [Unanimous].

Approval or rejection of Resolution 16-2019 adopting the Investment Policy and Strategies for fiscal year 2019/2020.Adopted

Motion was made and seconded to approve Resolution 16-2019 adopting the Investment Policy and Strategies for fiscal year 2019/2020.

Swain Real made a motion to approve Approval or rejection of Resolution 16-2019 adopting the Investment Policy and Strategies for fiscal year 2019/2020., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to allow the library to apply for a Library Technology Academy Grant with the Texas State Library and Archives Commission.Adopted

Motion was made and seconded to allow the library to apply for a Library Technology Academy Grant with the Texas State Library and Archives Commission.

Swain Real made a motion to approve Consideration and ACTION to allow the library to apply for a Library Technology Academy Grant with the Texas State Library and Archives Commission., seconded by James Herrera the vote was [Unanimous].

Visitors remarks-To speak you must sign in with the City Secretary prior to the meeting. You have a limit of 3 minutes to speak. Indicate if you wish to speak in visitors remarks or when a particular item is discussed.

Mr. James Keillor requested to speak in reference to issues he believes have been going on for 15 years on brush collections. Mr. Keillor handed out a list of suggestions regarding brush and bulky pick up. He explained each suggestion to the council.

The council requested a workshop to discuss the issues mentioned by Mr. Keillor and others they believe need to be addressed.

Mr. Alejandro Flores introduced himself. He told the council a little about himself and asked to be considered for the Planning and Zoning Commission opening.

Mr. Manuel Abrgeo congratulated the council and staff for a great job on the budget. He also feels the reports in the agenda by the department heads are not necessary. He suggested the council change the reporting to every six month instead of monthly and if there is any questions about the report they can discuss it with the city manger.

The council thanked the visitors.

Action Items

Approval or rejection of a Proclamation declaring November 4-8, 2019 as Municipal Court Week.Adopted

Council member Yolanda Cruz introduced Manuel Abrego. He had signed up to speak on the action item. Mr. Abrgeo explained he attended the Cameron County Commissioners Court meeting. He learned the amount of court fines that are pending. He was informed that the City of Los Fresnos has a high collection rate for court fines and is ranked fourth in the state. Mr. Abrego expressed his appreciation for the Los Fresnos Municipal Court Judge, attorney, bailiff and the court staff who were present.

The council thanked Mr. Abrego.

Motion was made and seconded to approve a Proclamation declaring November 4-8, 2019 as Municipal Court Week.

Swain Real made a motion to approve Approval or rejection of a Proclamation declaring November 4-8, 2019 as Municipal Court Week., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve or reject any or all proposals received for group health insurance, group life insurance and supplemental insurance.Adopted

Mr. Milum explained the city bids out insurance for employees each year. He explained there were several potential plans that could be considered but Blue Cross Blue Shield was the best one. He explained the health, eye and vision plan in comparison to previous years. Mr. Milum recommended a \$500 deductible plan. He asked the council if they had any questions and introduced Tammi Greer with Greer and Associates.

Ms. Greer explained the proposed renewal rates and answered questions for the council.

Mr. Milum explained there was four pieces to be approved health, vision, dental and life.

Council member Yolanda Cruz asked if there were any more questions.

Motion was made and seconded to approve Blue Cross Blue plan MTBCP1133 for health insurance.

Joe Collinsworth made a motion to approve Consideration and ACTION to approve or reject any or all proposals received for group health insurance, group life insurance and supplemental insurance., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to approve or reject any or all proposals received for group health insurance, group life insurance and supplemental insurance.Adopted

Mr. Milum explained the next piece would be the life insurance. He explained that the city provides a life insurance of \$20,000 in life insurance for each employee. He stated Dearborn would be the best option and recommended the council approve Dearborn.

Mr. Milum and Ms. Greer answered questions and explained the plan to the council.

Motion was made and seconded to approve Dearborn National for life insurance coverage.

James Herrera made a motion to approve Consideration and ACTION to approve or reject any or all proposals received for group health insurance, group life insurance and supplemental insurance., seconded by Joe Collinsworth the vote was [Unanimous].

Consideration and ACTION to approve or reject any or all proposals received for group health insurance, group life insurance and supplemental insurance.Adopted

Mr. Milum explained the last piece would be the supplemental vision and dental insurance. The city does not pay the dental or the vision it would be an option available for the employees to select and pay for. Mr. Milum also recommended to the plan

proposed to the city by Blue Cross Blue Shield. Mr. Milum and Ms. Greer explained the benefits of bundling the vision, dental, life and health insurance.

Motion was made and seconded to approve the dental and vision plan with Blue Cross Blue Shield.

Joe Collinsworth made a motion to approve Consideration and ACTION to approve or reject any or all proposals received for group health insurance, group life insurance and supplemental insurance., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to approve an agent for health insurance.Adopted

Mr. Milum recommended Greer & Associates to continue as the health insurance agent to manage the city's health insurance. He explained Greer & Associates helps by dealing directly with Blue Cross Blue Shield to assist employees with their health insurance needs.

Motion was made and seconded to approve Greer & Associates as the health insurance agent.

James Herrera made a motion to approve Consideration and ACTION to approve an agent for health insurance., seconded by Joe Collinsworth the vote was [Unanimous].

Consideration and ACTION to approve new Garbage Rates.Adopted

Mr. Milum explained to the council that in the comments he provided in the councils packets. He explained that Republic Services increases prices to the city for garbage service annually depending on the consumer price index and indicators of increase in the coast through the year. The city capped the increase at 4% which is a disadvantage at times. The increase for this year was 3.72%. He proposed to keep the residential customers rate at \$20.00 per cart and due to the larger rates on dumpster's increase the amount 3.72%. He reviewed the calculated rates just passing the cost increase on the business.

Mr. Milum answered questions for the council.

Mr. Milum explained once the contract is over the city would go out for bids.

Motion was made and seconded to approve the new Garbage Rates.

Swain Real made a motion to approve Consideration and ACTION to approve new Garbage Rates., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve a policy for city managed projects.Adopted

Mr. Milum explained that in the councils packet was a listing of items Mr. Keillor had previously requested. The proposed policy was what is already being done but is now placed on paper. He would like the council to review. He explained the policy to the council and explained the city will start using it and will make adjustments to it as needed to assure project are done the way they are supposed to be done.

Council member James Herrera explained that he had no clue about the Cuates Subdivision sidewalk project and people were calling him to ask about it but he had not

been informed. He asked Mr. Milum at what point Mr. Milum informs the council of projects. Mr. Milum answered the council could call him and he would explain. Mr. Herrera stated Mr. Milum was on vacation and his assistant was out and there was a problem on the project. He was not sure if this policy would take care of the communication problem because the proposed policy does not address when the council is advised about a project. Mr. Milum explained the sidewalk project was for other areas of the city not just the Cuates Subdivision. There were no problems on any other areas of the city only Cuates Subdivision. Mr. Milum stated he has answered the questions on the Cuates Subdivision more specifically and in detail. He does not believe the city will have communication problems any longer. Mr. Milum explained the council will be informed of major project in the city but not small project such as spraying weed killer. Mr. Herrera stated he did not want to create more problems. Mr. Milum stated if would only be the more visible projects such as the side walk projects.

Mr. Real asked if there was already something in place that if a projects reaches a specific limit the council has to be informed. Mr. Milum answered yes.

Mr. Milum answered questions for the council and discussed the policy.

Motion was made and seconded to approve a policy for city managed projects.

Swain Real made a motion to approve Consideration and ACTION to approve a policy for city managed projects., seconded by James Herrera the vote was [Unanimous].

Consideration and ACTION to approve the write off of bad debt for the utility accounts and garbage for the 2018-2019 fiscal year.Adopted

Mr. Milum explained that bad debt is usually placed on consent agenda because it is done every year but he wanted to take the opportunity to explain to the new members on the council. Mr. Milum reported the total write off of garbage, penalties, water, sewer, and reconnection fees is \$9,624.69. He explained the process to the council.

Motion was made and seconded to approve the write-off of bad debt for the utility accounts and garbage for the 2018-2019 fiscal year.

James Herrera made a motion to approve Consideration and ACTION to approve the write off of bad debt for the utility accounts and garbage for the 2018-2019 fiscal year., seconded by Joe Collinsworth the vote was [Unanimous].

Consideration and ACTION to proceed with specific details and propose an agreement with the Los Fresnos Housing Authority to become a gated community.No Action

Council member Yolanda Cruz stated there will be no action on this item. The Los Fresnos Housing Authority requested the item be withdrawn. No action was taken.

made a motion to approve Consideration and ACTION to proceed with specific details and propose an agreement with the Los Fresnos Housing Authority to become a gated community., seconded by the vote was .

Consideration and ACTION to reappoint or appoint members to the Planning & Zoning Commission.Adopted

Motion was made and seconded to appoint Alejandro Flores to the Planning & Zoning Commission.

James Herrera made a motion to approve Consideration and ACTION to reappoint or appoint members to the Planning & Zoning Commission., seconded by Swain Real the vote was [Unanimous].

Consideration and ACTION to reappoint or appoint of member to the Los Fresnos Housing Authority.Adopted

Mr. Milum explained there was one applicant, David Garza. Mr. Milum answered questions for the board.

Motion was made and seconded to appoint David Garza to the Los Fresnos Housing Authority.

Swain Real made a motion to approve Consideration and ACTION to reappoint or appoint of member to the Los Fresnos Housing Authority., seconded by Joe Collinsworth the vote was [Unanimous].

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

Council member Yolanda Cruz explained the City Attorney, Enrique Juarez could not be present and if possible would like the item placed on the agenda for next month.

Council member Juan Munoz made a motion to deny the renewal contract for the City Attorney, Enrique Juarez. Ms. Cruz asked Mr. Munoz if he would like to deny the contract or place it on the agenda for the next meeting. Mr. Munoz answered no just do it now.

After the motion Mr. Milum stated the council needed to give him direction on what to do. Council member Juan Munoz and Council member Joe Collinsworth asked Mr. Milum to start to look for a new attorney. Council member Yolanda Cruz asked if the city needed to go out for bids.

Motion was made and seconded to deny to approve the renewal contract for City Attorney Enrique Juarez.

Juan Munoz made a motion to approve Consideration and ACTION to approve the renewal contract for City Attorney Enrique Juarez., seconded by James Herrera the vote was [3 to 2].

Consideration and ACTION to allow closure of City Hall for regular business on Friday, November 8, 2019 for move to the new City Hall.Adopted

Motion was made and seconded to allow closure of the City Hall for regular business on Friday, November 8, 2019 for move to the new City Hall.

Swain Real made a motion to approve Consideration and ACTION to allow closure of City Hall for regular business on Friday, November 8, 2019 for move to the new City Hall., seconded by James Herrera the vote was [Unanimous].

Tour New City HallNo Action

Council member Yolanda Cruz asked the council if they would like to stop the meeting and tour the new city hall or they could continue the agenda tour city hall and then adjourn the meeting. Mr. Milum recommended to continue with the meeting and tour the new city hall last. The council continued the meeting.

made a motion to approve Tour New City Hall, seconded by the vote was .

Acknowledgement of City Manager's Report

City Manager Report A. Wastewater Plant Update B. Water Plant Update C. Water & Wastewater Engineering Study D. Whipple Road Wastewater Extension E. Nature Park F. Hike & Bike Trails G. CDBG Disaster Grant H. Henderson Road Project I. City Hall Project J. Update Planning & Zoning Ordinance K. Drainage Update L. Sidewalk Complaints M. Garbage/Brush Complaints N. Quarterly Roll Off ServiceAdopted

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

Swain Real made a motion to approve City Manager Report A. Wastewater Plant Update B. Water Plant Update C. Water & Wastewater Engineering Study D. Whipple Road Wastewater Extension E. Nature Park F. Hike & Bike Trails G. CDBG Disaster Grant H. Henderson Road Project I. City Hall Project J. Update Planning & Zoning Ordinance K. Drainage Update L. Sidewalk Complaints M. Garbage/Brush Complaints N. Quarterly Roll Off Service, seconded by Joe Collinsworth the vote was [Unanimous].

Acknowledgement of Department Head Reports

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

Motion was made and seconded to acknowledge the Financial report.

James Herrera made a motion to approve Financial Report 1. Monthly 2. Year to Date 3. Sales Tax, seconded by Joe Collinsworth the vote was [Unanimous].

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

Motion was made and seconded to acknowledge Public Works Report.

James Herrera made a motion to approve Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Permits 4. Recycling, seconded by Joe Collinsworth the vote was [Unanimous].

Police Department 1. Arrests 2. Incidents 3. AccidentsAdopted

Motion was made and seconded to acknowledge the Police Department report.

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

Municipal Court 1. Monthly ReportAdopted

Motion was made and seconded to acknowledge the Municipal Court report.

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

Library Report 1. Monthly ReportAdopted

Motion was made and seconded to acknowledge the Library report.

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

Fire Marshal's Report 1. Monthly ReportAdopted

Motion was made and seconded to acknowledge the Fire Marshal's report.

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

EMS Report 1. Quarterly ReportAdopted

Motion was made and seconded to acknowledge the EMS report.

James Herrera made a motion to approve EMS Report 1. Quarterly Report, seconded by Joe Collinsworth the vote was [Unanimous].

Closed Session - Deliberation and possible action regarding the following:

- Deliberation and possible action regarding the following:

Closed Session -Deliberation pursuant to Sections 551.072, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the purchase, exchange, lease, or value of real property.No Action

Council member Yolanda Cruz recessed the meeting for closed session at 7:04 p.m.
made a motion to approve Closed Session -Deliberation pursuant to Sections 551.072, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the purchase, exchange, lease, or value of real property., seconded by the vote was .

Open Session – Deliberation and possible action regarding the following:

- Deliberation and possible action regarding the following:

Open Session - Deliberation pursuant to Sections 551.072, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the purchase, exchange, lease, or value of real property.Adopted

Council member Yolanda Cruz called the meeting back to order at 7:11 p.m.

Motion was made and seconded to authorize the City Manager Mark Milum to negotiate the purchase of the final property as indicated in the closed session.

James Herrera made a motion to approve Open Session - Deliberation pursuant to Sections 551.072, Title 5 of the Texas Government Code, the Texas Open Meetings Act regarding the purchase, exchange, lease, or value of real property., seconded by Joe Collinsworth the vote was [Unanimous].

J. Adjournment

The meeting was recessed at 7:12 p.m. to tour the new city hall.

The meeting was opened at 7:58 p.m.

The meeting was adjourned at 7:58 p.m.

Presiding Officer of the Council

Recorder