

# City Council

200 North Brazil

Los Fresnos, TX 78566

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

## Regular Meeting

~ Minutes ~

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Tuesday, October 10, 2017

6:00 PM

City Hall

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### Agenda

1. Call meeting to order  
Mayor Narvaez called the meeting to order at 6:00 PM
2. Invocation and Pledge of Allegiance  
Mayor Narvaez gave the invocation and led the audience in the Pledge of Allegiance.

### Presentations

#### **Presentation of Certificate of Achievement for Excellence Financial Reporting.No Action**

Mayor Narvaez presented Celina Gonzales with a Certificate of Achievement for Excellence Financial Reporting for fiscal year ending September 30, 2016.

made a motion to approve Presentation of Certificate of Achievement for Excellence Financial Reporting., seconded by the vote was .

#### **Presentation and possible action from the Los Fresnos Rodeo Committee for funding for the Smokin Hwy 100 Cook-Off and Festival.Adopted as Amended**

Mike Todd, Chairman of the Los Fresnos Rodeo Committee, explained that this is the 1st Annual Smokin Hwy 100 Cook-Off and Festival. It will be held November 17 and 18, 2017. The event is costing the Rodeo Committee between \$10,000 and \$15,000 to put it on and they are asking the City to be a sponsor. The event is for two days and will bring people into the City to stay at the hotel and to eat at the restaurants. There are different levels of sponsors to consider. The City has always be very supportive of the Rodeo Committee. We are trying to bring in more events into the City.

Mr. Todd answered questions from the Council.

Councilmember Munoz stated he wants an agreement before City approves any funds.

Motion was made by Councilmember Munoz and seconded by Councilmember Real to table this item and the vote was 3-3 (Munoz, Mendez and Real for and Narvaez, Garza and Cruz against).

Mayor Narvaez stated that this item would be addressed again later in the agenda since the agreement was all that was lacking it could be written up and considered..

City Attorney Juarez drew up an agreement and each Councilmember went over the agreement.

Motion was made and seconded to approve \$1,000 to the Rodeo Committee for the 1st Annual Smokin Hwy 100 Cook-Off and Festival.

Polo Narvaez made a motion to approve Presentation and possible action from the Los Fresnos Rodeo Committee for funding for the Smokin Hwy 100 Cook-Off and Festival., seconded by Yolanda H. Cruz the vote was [5 to 1].

### **Consent Agenda**

#### **Approval or rejection of Minutes from September 12, 2017 meeting.**Adopted

Motion was made and seconded to approve the Minutes of September 12, 2017 as presented.

Polo Narvaez made a motion to approve Approval or rejection of Minutes from September 12, 2017 meeting., seconded by Javier Mendez the vote was [Unanimous].

#### **Approval or rejection of a Resolution for the submission of a grant application for the Local Border Security Grant Program.**Adopted

Councilmember Mendez asked if we did this last year and what was the amount. Mr. Milum stated in his notes to the Council it stated the purpose of the Border Star Security Grant is to assist in securing the Texas/Mexico Border. They have local law enforcement departments to assist in putting more officers on the street by funding overtime for officers to target narcotics, human smuggling, gangs and other criminal activities. Last year we received \$25,000 and this year they are proposing \$20,000. This greatly increases the presence of officers around the City and is very valuable for our citizens.

Councilmember Mendez asked if the last whereas is required to be in there. It states the City of Los Fresnos designates Mark W. Milum, City Manager as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency. Councilmember Mendez said that this gives the City Manager the power to apply for, accept, reject, alter or terminate the grant. Mr. Milum stated that he only has the authority to do what the Council approves for him to do.

Motion was made and seconded to approve the resolution for the submission of a grant application for the Local Border Security Grant Program.

Yolanda H. Cruz made a motion to approve Approval or rejection of a Resolution for the submission of a grant application for the Local Border Security Grant Program., seconded by Polo Narvaez the vote was [Unanimous].

**Approval or rejection of Proclamation designating October 8- 14, 2017 as Fire Prevention Week and Firefighters Appreciation Week.**Adopted

Motion was made and seconded to approve the Proclamation designating October 8-14, 2017 as Fire Prevention Week and Firefighters Appreciation Week.

Polo Narvaez made a motion to approve Approval or rejection of Proclamation designating October 8- 14, 2017 as Fire Prevention Week and Firefighters Appreciation Week., seconded by Javier Mendez the vote was [Unanimous].

**Approval or rejection to acknowledge the financial report and cash investment report for the 3rd quarter ending June 30, 2017.**Adopted

Councilmember Mendez said since we have an audience that we should use the opportunity to share how we are doing financially.

Mr. Milum explained that this report only covers the interest we received for the quarter ending June 30, 2017 and is not really a financial picture, however the City is doing very well financially. Celinla Gonzlaes said the amount of interest for the quarter was \$11,188 and the information is available through open records and the website.

Motion was made and seconded to acknowledge the financial report and cash investment report for the 3rd quarter ending June 30, 2017.

Javier Mendez made a motion to approve Approval or rejection to acknowledge the financial report and cash investment report for the 3rd quarter ending June 30, 2017., seconded by Swain Real the vote was [Unanimous].

**Approval or rejection of a Resolution adopting the Investment Policy and Strategies for fiscal year 2017/2018.**Adopted

Motion was made and seconded to approve the resolution adopting the Investment Policy and Strategies for fiscal year 2017/2018.

Polo Narvaez made a motion to approve Approval or rejection of a Resolution adopting the Investment Policy and Strategies for fiscal year 2017/2018., seconded by Javier Mendez the vote was [Unanimous].

**Approval or rejection to approve the 4th amendment to the University of Texas Health Science Center at San Antonio.**Adopted

Motion was made and seconded to approve the 4th amendment to the University of Texas Health Science Center in San Antonio.

Polo Narvaez made a motion to approve Approval or rejection to approve the 4th amendment to the University of Texas Health Science Center at San Antonio., seconded by Javier Mendez the vote was [Unanimous].

**Consideration and ACTION to approve the first reading of Ordinance 488 adopting unanimous settlement agreement, setting rates and establishing tariffs for the provision of natural gas service by Texas Gas Service Company, a division of One Gas, Inc., within the City of Los Fresnos; declaring this ordinance to be a final determination of rates; requiring acceptance by Texas Gas Service Company of the rates prescribed herein; and establishing an effective date.**Adopted

Motion was made and seconded to approve the first reading of Ordinance 488 adopting unanimous settlement agreement, setting rates and establishing tariffs for the provision of natural gas service by Texas Gas Service Company, a division of One Gas, Inc., within the City of Los Fresnos; declaring this ordinance to be a final determination of rates; requiring acceptance by Texas Gas Service Company of the rates prescribed herein; and establishing an effective date.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the first reading of Ordinance 488 adopting unanimous settlement agreement, setting rates and establishing tariffs for the provision of natural gas service by Texas Gas Service Company, a division of One Gas, Inc., within the City of Los Fresnos; declaring this ordinance to be a final determination of rates; requiring acceptance by Texas Gas Service Company of the rates prescribed herein; and establishing an effective date., seconded by Javier Mendez the vote was [Unanimous].

**Consideration and ACTION to approve the first reading of Ordinance 489 authorizing and allowing under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Los Fresnos; providing for increased municipal contributions to the current service annuity reserve at retirement; and establishing an effective date for the ordinance.**Adopted

Mr. Milum stated that is an ordinance that is required by TMRS to change the matching contribution that was approved in the budget.

Mr. Milum answered questions from the Council.

Councilmember Munoz made a motion to change the matching contribution to 1-1. After questioning from fellow councilmembers of why the change from what the Council directed and approved with the budget for 2 to 1; Councilmember Munoz then changed his motion to 1.5 to 1. Motion died due to lack of a second.

Motion was made and seconded to approve the first reading of Ordinance 489 authorizing and allowing under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Los Fresnos; providing for increased municipal contributions to the current service annuity reserve at retirement; and establishing an effective date for the ordinance.

Polo Narvaez made a motion to approve Consideration and ACTION to approve the first reading of Ordinance 489 authorizing and allowing under the Act governing the Texas Municipal Retirement System, "Updated Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Los Fresnos; providing for increased municipal contributions to the current service annuity reserve at retirement; and establishing an effective date for the ordinance., seconded by Yolanda H. Cruz the vote was [5 to 1].

**Visitor Remarks - To speak you must sign in iwth City Secretary prior to the meeting and you have a limit f 3 minutes to speak.**

Pedro Campos stated that he would like for the City to put the drainage ditch underground then put Hike & Bike Trails on the ditch. This would eliminate the need to clean the ditch. Mr. Milum stated that the drainage ditch does not belong to the City it belongs to Drainage District #1 and it is their responsibility to clean the ditch and it would be far to costly to put underground. Cameron County Drainage District #1 has been contacted concerning cleaning the ditch.

Patrick Anderson ask the Council to pass a Resolution opposing the border wall.

**Action Items**

**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 that the health insurance for the city employees has a 36% increase for the same coverage they have presently. This will be a \$112,729 increase in premiums. Council has a copy of the proposals that we received. We can keep the current policy or go to one of the other options. There are several different ways to go. One way is to decide on a plan that the City will pay and then give the employees an option to stay with the current policy and the employee will pay the difference. Also, TML sent in a proposal and other cities have the insurance and some or pleased with it and other or not. If we changed from BCBS we would not longer have an insurance agent we would have to deal directly with TML.

Ms. Tammi Greer was present and she explained options to the Council and answered questions from the Council

Motion was made and seconded to approve Blue Cross Blue Shield Plan 4 with an option for employee to upgrade to Plan 2 at employees cost.

Motion was made and seconded to approve Principal as the life insurance carrier.

Polo Narvaez 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 Javier Mendez the vote was [Unanimous].

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

Mr. Milum stated that Greer & Associates has been our insurance agent for many years and we would like them to continue.

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

Polo Narvaez made a motion to approve Consideration and ACTION to approve an agent for health insurance., seconded by Yolanda H. Cruz the vote was [Unanimous].

**Consideration and ACTION to approve or reject additional funding for Los Fresnos Chamber of Commerce and presentation of quarterly report for July through September.Adopted**

Mr. Val Champion, Executive Director for the Chamber of Commerce was present and he gave a report to the Council on their activities and finances for July through September.

Mr. Milum stated that the Chamber of Commerce is requesting an increase of \$850 per month. Currently in the budget is \$24,000 which has been the same for the last 3 years. With the increase it would bring the monthly total to \$2,850 for an annual total of \$34,200.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the increase of \$10,200 for a total of \$34,200 per year.

Swain Real made a motion to approve Consideration and ACTION to approve or reject additional funding for Los Fresnos Chamber of Commerce and presentation of quarterly report for July through September., seconded by Yolanda H. Cruz the vote was [4 to 1].

**Consideration and ACTION to approve or reject any or all proposals received for auditing services for fiscal year 2017, 2018 and 2019.Adopted**

Mr. Milum stated that the rating committee of Polo, Yolanda, Celina and him had rated the 2 companies that provided audit proposals for the next 3 years. We provided each Councilmember with copies of the audits and rating sheets if you wanted to rate each firm yourself. All four committee individuals rated Carr Riggs and Ingram as the number

one firm. This is the company that has combined forces with Long Chilton, which has conducted the City audits for many years.

Motion was made and seconded to approve Carr Riggs and Ingram as auditors for 2017, 2018 and 2019.

Polo Narvaez made a motion to approve Consideration and ACTION to approve or reject any or all proposals received for auditing services for fiscal year 2017, 2018 and 2019., seconded by Yolanda H. Cruz the vote was [Unanimous].

**Consideration and ACTION to extend contract for City Attorney with Enrique Juarez. (By Bibi Garza)Tabled**

Mr. Milum stated that Councilmember Garza has requested for this item to be placed on agenda.

Councilmember Garza stated she would like to see the contracted amended from one year to five years and to leave out the 30 day termination clause. With a 30 days termination clause it really means that the contract is a 30 day contract.

There was a lot of discussion and questions from the Council.

Mr. Juarez, City Attorney, stated that he would like the contract for five years but one thing he would like is to be able to talk to the Department Heads because if something comes up with a department and he cannot get information then his hands are tied.

Motion was made and seconded to leave the contract as is with a one year contract and 30 day termination notice.

Juan Munoz made a motion to approve Consideration and ACTION to extend contract for City Attorney with Enrique Juarez. (By Bibi Garza), seconded by Javier Mendez the vote was [3 to 3].

**Consideration and ACTION to approve or reject any or all bids received for vehicle maintenance. Adopted**

Mr. Milum stated the vehicle maintenance bid was not included last month with others because we did not receive any proposals by the deadline. Since then we have received 2 proposals, one from A & A Auto Repair and the other from Hector's Muffler Shop. Hector's Muffler Shop is the low proposal.

Councilmember Munoz asked if the mechanics were certified and if they had insurance Mr. Milum stated he did not know.

Motion was made and seconded to approve Hector's Muffler Shop for vehicle maintenance.

Polo Narvaez made a motion to approve Consideration and ACTION to approve or reject any or all bids received for vehicle maintenance., seconded by Yolanda H. Cruz the vote was [5 to 1].

**Consideration and ACTION to approve or reject any or all bids received for vehicle maintenance for tire service.**Adopted

Mr. Milum stated that we have 2 bids for tire repair and balancing, one from A & A Auto Repair and the other from Sanchez Tire Shop. The low bid is from Sanchez Tire Shop.

Motion was made and seconded to approve Sanchez Tire Shop for tire repairs and balancing.

Polo Narvaez made a motion to approve Consideration and ACTION to approve or reject any or all bids received for vehicle maintenance for tire service., seconded by Swain Real the vote was [5 to 1].

**Consideration and ACTION to approve a Resolution requesting financial assistance from the Texas Water Development Board, authorizing the filing of an application for assistance; and making certain findings in connection therewith.**Adopted

Mr. Milum stated that this is a resolution for the City to start the process to potentially borrow \$1,500,000 for wastewater projects. Guzman & Munoz Engineering has completed the study of our wastewater facilities, including extending service to the west and to the east along Highway 100. The areas that need to be taken care of now are extending wastewater services to the west along Highway 100, FM 1575 and Escalante Road. There is 3 lift stations that need to be rehabilitated and about 40 manholes that need to be upgraded and rehabilitated along with several sewer lines that we have identified that are the worst that need to be upgraded. TWDB says we can qualify for a 1.02% interest loan. The payments would be approximately \$84,000 per year. Passing this resolution allows us to start the process.

Mr. Milum answered questions from the Council.

Motion was made and seconded to approve the Resolution requesting financial assistance from the Texas Water Development Board, authorizing the filing of an application for assistance; and making certain findings in connection therewith.

Polo Narvaez made a motion to approve Consideration and ACTION to approve a Resolution requesting financial assistance from the Texas Water Development Board, authorizing the filing of an application for assistance; and making certain findings in connection therewith., seconded by Bibi Garza the vote was [Unanimous].



**Consideration and ACTION to reappoint or appoint three persons to the Planning & Zoning Commission.**Adopted

Mr. Milum stated the terms of Abe Ortega, Larry Meade and Javier Rodriguez expired October 1. They serve 2 year terms. All three individuals are willing to continue to serve.

Motion was made and seconded to approve Abe Ortega, Larry Meade and Javier Rodriguez to the Planning & Zoning Commission for 2 year terms.

Polo Narvaez made a motion to approve Consideration and ACTION to reappoint or appoint three persons to the Planning & Zoning Commission., seconded by Swain Real the vote was [Unanimous].

**Consideration and ACTION to reappoint or appoint two members to the Park Advisory Board.**Adopted

Mr. Milum stated the terms of Robert Garza and Adan Cruz expired October 1. They serve 2 year terms. Both individuals are willing to continue to serve.

Motion was made and seconded to approve Robert Garza and Adan Cruz for the Park Advisory Board for 2 year terms.

Javier Mendez made a motion to approve Consideration and ACTION to reappoint or appoint two members to the Park Advisory Board., seconded by Bibi Garza the vote was [Unanimous].

**Consideration and ACTION to reappoint or appoint two persons to the Los Fresnos Housing Authority Board.**Adopted

Mr. Milum stated that Barbara Rodriguez and Linda Ramirez terms expired October 1. They serve a 2 year term. Both individuals are willing to continue to serve.

Motion was made and seconded to approve Barbara Rodriguez and Linda Ramirez to the Housing Authority Board for 2 year terms.

Polo Narvaez made a motion to approve Consideration and ACTION to reappoint or appoint two persons to the Los Fresnos Housing Authority Board., seconded by Yolanda H. Cruz the vote was [Unanimous].

**Acknowledgement of City Manager's Report**

**A. Wastewater Plant Update B. Water Plant Update C. Water & Wastewater Engineering Study D. Whipple Road Wastewater Extension E. Nature Park F. Hike & Bike Trails G. Montes-Castro Park H. TxDot Sidewalk Projects I. Welcome Sign J. CDBG 2015-2016 Grant K. Memorial Park L. Memorial Park**Adopted

Mr. Milum reported on the following:

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. This should be ready in the next couple of weeks. Hopefully we can bid then soon 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 TWDB. It is included in the study under C.

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. The water portion is not complete yet. They have completed the study for wastewater. We will be asking for about \$1,500,000 to fix 3 lift stations, run sewer service to the new annexed areas on West Highway 100, replace some old manholes and replace some old sewer lines. There are no grants available for this but we can probably get a low interest loan. The intent will be to do this with no increase in sewer rates. The amount we can save on repairs can go towards the loan payment.

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. They should have the specific details for the bid package in a few weeks.

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 project is under construction. It should be complete in about 60 days. Products and materials are being ordered.

H. TxDot Sidewalk Projects - The sidewalk project is almost complete except 2 locations that we finally got approval from TxDot. The contractor should complete the work in October.

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 re-pave East Sixth and East Ninth Streets, a total of 3 blocks. Construction is complete. We had enough funds left in the grant added with budget funds to re-pave Pita Street from Highway 100 to Fifth Street. It is under construction now.

K. Memorial Park - The exercise equipment project is complete.

Motion was made and seconded to acknowledge the City Manager's report as presented. Polo Narvaez made a motion to approve A. Wastewater Plant Update B. Water Plant Update C. Water & Wastewater Engineering Study D. Whipple Road Wastewater Extension E. Nature Park F. Hike & Bike Trails G. Montes-Castro Park H. TxDot Sidewalk Projects I. Welcome Sign J. CDBG 2015-2016 Grant K. Memorial Park L. Memorial Park, seconded by Yolanda H. Cruz the vote was [Unanimous].

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

##### **Financial Report 1. Monthly 2. Year-to-Date**Adopted

Motion was made and seconded to acknowledge the finance report as presented. Polo Narvaez made a motion to approve Financial Report 1. Monthly 2. Year-to-Date, seconded by Javier Mendez the vote was [Unanimous].

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

Motion was made and seconded to acknowledge the Public Works Report as presented. Polo Narvaez made a motion to approve Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Permits 4. Recycling, seconded by Javier Mendez the vote was [Unanimous].

##### **Police Department Report 1. Arrests 2. Incidents 3. Accidents**Adopted

Motion was made and seconded to acknowledge the Police Department Report as presented.

Polo Narvaez made a motion to approve Police Department Report 1. Arrests 2. Incidents 3. Accidents, seconded by Javier Mendez the vote was [Unanimous].

**Municipal Court Report 1. Monthly Report**Adopted

Motion was made and seconded to acknowledge the Municipal Court Report as presented.

Polo Narvaez made a motion to approve Municipal Court Report 1. Monthly Report, seconded by Javier Mendez the vote was [Unanimous].

**Library Report 1. Monthly Report**Adopted

Motion was made and seconded to acknowledge the Library Report as presented.

Polo Narvaez made a motion to approve Library Report 1. Monthly Report, seconded by Javier Mendez the vote was [Unanimous].

**Fire Marshal Report 1. Monthly Report**Adopted

Motion was made and seconded to acknowledge the Fire Marshal's Report as presented.

Polo Narvaez made a motion to approve Fire Marshal Report 1. Monthly Report, seconded by Javier Mendez the vote was [Unanimous].

**EMS Report 1. Quarterly Report**Adopted

Motion was made and seconded to acknowledge the EMS Report as presented.

Polo Narvaez made a motion to approve EMS Report 1. Quarterly Report, seconded by Javier Mendez the vote was [Unanimous].

**Closed Session**

**Closed Session - Deliberation pursuant to Section 551.071, Title 5 of the Texas Government Code, the Texas Open Meetings Act, regarding pending or contemplated litigation.No Action**

Mayor Narvaez recessed the meeting for Closed Session at 8:35 PM.

made a motion to approve Closed Session - Deliberation pursuant to Section 551.071, Title 5 of the Texas Government Code, the Texas Open Meetings Act, regarding pending or contemplated litigation., seconded by the vote was .

**Open Session – Deliberation and possible action regarding the following:**

**Open Session - Deliberation and possible action regarding the pending or contemplated litigation.No Action**

Mayor Narvaez called the meeting back to order at 9:05 PM and stated no action would be taken.

made a motion to approve Open Session - Deliberation and possible action regarding the pending or contemplated litigation., seconded by the vote was .

11. Adjournment

Mayor Narvaez adjourned the meeting at 9:05 PM.

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Presiding Officer of the Council

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Recorder