

City Council

520 E Ocean Blvd.

Regular Meeting

Los Fresnos, TX 78566

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

~ Minutes ~

Tuesday, November 8, 2022

6:00 PM

City Hall

Agenda

- A. Call meeting to order

Mayor Alejandro Flores called the meeting to order at 6:01 PM

- B. Invocation and Pledge of Allegiance

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

Public Hearing

Public Hearing to receive comments from property owners concerning the appeal of the Planning and Zoning Commissions decision to deny a variance request on rear yard setback requirements from 25 feet to 10 feet for The Woods of Los Fresnos Subdivision.No

Action

Mayor Flores opened and closed the public hearing at 6:03 pm. He explained there were no visitors present and the council would discuss during the action item.

made a motion to approve Public Hearing to receive comments from property owners concerning the appeal of the Planning and Zoning Commissions decision to deny a variance request on rear yard setback requirements from 25 feet to 10 feet for The Woods of Los Fresnos Subdivision., seconded by the vote was .

Visitors remarks-To speak you must sign in with the City Secretary prior to the meeting you have a limit of 5 minutes to speak.

There were none.

Consent Agenda (All matters listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless requested by a member of the City Council. The item may subsequently be removed from the Consent Agenda to be considered separately.)

Mayor Flores explained the council would vote to table consent agenda items E:1-8 Action items F:2,3 & 9, G:1, H: 1-6, I:1, and J:1.

Consideration and ACTION to approve the minutes from October 11, 2022 and November 8, 2022.Tabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Consideration and ACTION to approve the minutes from October 11, 2022 and November 8, 2022., seconded by Gabriela Fernandez the vote was [Unanimous].

Consideration and ACTION to excuse the absence of Andres Lopez from the October 11, 2022 and November 8, 2022 City Council meeting. Tabled

Juan Munoz made a motion to approve Consideration and ACTION to excuse the absence of Andres Lopez from the October 11, 2022 and November 8, 2022 City Council meeting., seconded by Gabriela Fernandez the vote was [Unanimous].

Consideration and ACTION to excuse the absence of Alberto Escobedo from the October 3, 2022 Community Development Corporation Meeting. Tabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Consideration and ACTION to excuse the absence of Alberto Escobedo from the October 3, 2022 Community Development Corporation Meeting., seconded by Gabriela Fernandez the vote was [Unanimous].

Consideration and ACTION to approve the Quarterly Investment Portfolio Report ended as of September 30, 2022. Tabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Consideration and ACTION to approve the Quarterly Investment Portfolio Report ended as of September 30, 2022., seconded by Gabriela Fernandez the vote was [Unanimous].

Consideration and ACTION to approve the second reading of ordinance 543 to rezone Fresno Land & Irrigation CO Subdivision 0.583 acres out of Lot 32 Block 171, and Los Fresnos Industrial Subdivision #1 lot 1, City of Los Fresnos, Cameron county, Texas from C4 Heavy Commercial District to C2 Highway Commercial District. Tabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Consideration and ACTION to approve the second reading of ordinance 543 to rezone Fresno Land & Irrigation CO Subdivision 0.583 acres out of Lot 32 Block 171, and Los Fresnos Industrial Subdivision #1 lot 1, City of Los Fresnos, Cameron county, Texas from C4 Heavy Commercial District to C2 Highway Commercial District., seconded by Gabriela Fernandez the vote was [Unanimous].

Consideration and ACTION to approve Resolution 9-2022 of the submission of a grant application for the Local Border Star Security Program for the City of Los Fresnos to the to the Office of the Governor. Tabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Consideration and ACTION to approve Resolution 9-2022 of the submission of a grant application for the Local Border Star Security Program for the City of Los Fresnos to the to the Office of the Governor., seconded by Gabriela Fernandez the vote was [Unanimous].

Consideration and ACTION to approve Resolution 10-2022 accepting the work under contract with Ferguson Service Systems, Inc. as being complete and in accordance with the plans, specifications, and all approved change orders. Tabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Consideration and ACTION to approve Resolution 10-2022 accepting the work under contract with Ferguson Service Systems, Inc. as being complete and in accordance with the plans, specifications, and all approved change orders., seconded by Gabriela Fernandez the vote was [Unanimous].

Approval or rejection of Resolution 11-2022 adopting a comprehensive policy of guidelines and criteria for governing tax abatement incentives within the City of Los Fresnos and its extraterritorial jurisdiction. Tabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Approval or rejection of Resolution 11-2022 adopting a comprehensive policy of guidelines and criteria for governing tax abatement incentives within the City of Los Fresnos and its extraterritorial jurisdiction., seconded by Gabriela Fernandez the vote was [Unanimous].

Action Items

Consideration and ACTION to appeal of the Planning and Zoning Commissions decision to deny a variance request on rear yard setback requirements from 25 feet to 10 feet for The Woods of Los Fresnos Subdivision. No Action

Mayor explained no action would be taken because city staff was working with the developer on a resolution. Mr. Milum informed the council the developer called and asked no action be taken. They would like to meet with city staff and resolve the issue in a different way.

made a motion to approve Consideration and ACTION to appeal of the Planning and Zoning Commissions decision to deny a variance request on rear yard setback requirements from 25 feet to 10 feet for The Woods of Los Fresnos Subdivision., seconded by the vote was .

Consideration and ACTION to accept a Petition for Annexation by Land Owner for a 17.238 acre tract of land located on the north west side of the City of Los Fresnos and set a date and time for a public hearing. Tabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Consideration and ACTION to accept a Petition for Annexation by Land Owner for a 17.238 acre tract of land located on the north west side of the City of Los Fresnos and set a date and time for a public hearing., seconded by Gabriela Fernandez the vote was [Unanimous].

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

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Consideration and ACTION to approve a Service Agreement with The University of Texas Health Science Center., seconded by Gabriela Fernandez the vote was [Unanimous].

Consideration and approval of a resolution approving an engagement agreement for bond counsel legal services with Norton Rose Fulbright US LLP; and other matters in connection therewith.Adopted

Mr. Milum explained the resolution was for the TWDB grant loan package. Norton would be the bond counsel and legal services for it. Mr. Milum recommended approval.

Motion was made and seconded to approve the resolution approving an engagement agreement for bond counsel legal services with Norton Rose Fulbright US LLP; and other matters in connection therewith.

Alejandro Flores made a motion to approve Consideration and approval of a resolution approving an engagement agreement for bond counsel legal services with Norton Rose Fulbright US LLP; and other matters in connection therewith., seconded by Gabriela Fernandez the vote was [Unanimous].

Consideration and ACTION to approve the proposals received for Financial Advisor for the Clean Water State Revolving Fund project and approve the agreement with Estrada Hinojosa according to TWDB guidelines.Adopted

Mr. Milum explained the firm has been the city's financial advisor for 20 plus years this agreement was specifically for the drainage project. He recommended approval.

Council member Juan Munoz asked if the city had any members on the Texas Water Development Board. Mr. Milum answered no.

Motion was made and seconded to approve the proposals received for Financial Advisor for the Clean Water State Revolving Fund project and approve the agreement with Estrada Hinojosa according to TWDB guidelines.

Gabriela Fernandez made a motion to approve Consideration and ACTION to approve the proposals received for Financial Advisor for the Clean Water State Revolving Fund project and approve the agreement with Estrada Hinojosa according to TWDB guidelines., seconded by Alejandro Flores the vote was [Unanimous].

Discussion and possible action to select engineering firm to provide planning, design and construction management engineering services associated with the design and construction of various drainage improvement projects that may be funded through the Texas Water Development Board.Adopted

Mr. Milum explained this was also in reference to the drainage project. Hanson had already been hired to work on the design for two pieces of the project. This would allow the city to hire the firm to complete the designs for the reminding portion of the project, the drainage study, and the construction engineering for pieces they have already designed. He recommended approval.

Council member Juan Munoz asked that if the part they completed the design on was already paid for. Mr. Milum explained the areas that Hanson had already worked on.

Motion was made and seconded to select Hanson Professional Services as the engineering firm to provide planning, design and construction management engineering services associated with the design and construction of various drainage improvement projects that may be funded through the Texas Water Development Board.

Gabriela Fernandez made a motion to approve Discussion and possible action to select engineering firm to provide planning, design and construction management engineering services associated with the design and construction of various drainage improvement projects that may be funded through the Texas Water Development Board., seconded by Juan Munoz the vote was [Unanimous].

Consideration and ACTION to approve the first and second reading of an ordinance authorizing the issuance of “City of Los Fresnos, Texas combination tax and subordinate lien revenue certificates of obligation, series 2022 (Clean Water State Revolving Fund)”;
providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the city and further securing said certificates by a subordinate and inferior lien on and pledge of the net revenues of the system on a parity with certain currently outstanding subordinate lien obligations; and providing an effective date.Adopted

Mr. Milum introduced Matt Lujan with Estrada Hinojosa to present.

Mr. Lujan introduced himself to the council and explained the information provided in reference to the loan.

Motion was made and seconded to approve the first and second reading of an ordinance authorizing the issuance of “City of Los Fresnos, Texas combination tax and subordinate lien revenue certificates of obligation, series 2022 (Clean Water State Revolving Fund)”;

providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the city and further securing said certificates by a subordinate and inferior lien on and pledge of the net revenues of the system on a parity with certain currently outstanding subordinate lien obligations; and providing an effective date.

Alejandro Flores made a motion to approve Consideration and ACTION to approve the first and second reading of an ordinance authorizing the issuance of “City of Los Fresnos, Texas combination tax and subordinate lien revenue certificates of obligation, series 2022 (Clean Water

State Revolving Fund)”; providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the city and further securing said certificates by a subordinate and inferior lien on and pledge of the net revenues of the system on a parity with certain currently outstanding subordinate lien obligations; and providing an effective date., seconded by Gabriela Fernandez the vote was [Unanimous].

Consideration and approval of a resolution approving the principal forgiveness agreement Clean Water State Revolving Fund in the amount of \$843,704 and an escrow agreement relating thereto; authorizing the Mayor, City Manager, and City Secretary, or their designees, to execute any and all documents related thereto; and other matters in connection therewith.Adopted

Mr. Milum explained this was in reference to the loan forgiveness.

Motion was made and seconded to approve a resolution approving the principal forgiveness agreement Clean Water State Revolving Fund in the amount of \$843,704 and an escrow agreement relating thereto; authorizing the Mayor, City Manager, and City Secretary, or their designees, to execute any and all documents related thereto; and other matters in connection therewith.

Gabriela Fernandez made a motion to approve Consideration and approval of a resolution approving the principal forgiveness agreement Clean Water State Revolving Fund in the amount of \$843,704 and an escrow agreement relating thereto; authorizing the Mayor, City Manager, and City Secretary, or their designees, to execute any and all documents related thereto; and other matters in connection therewith., seconded by Juan Munoz the vote was [Unanimous].

Presentation and discussion on the history of annexations in Los Fresnos and the surrounding communities and the current annexation laws.Tabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Presentation and discussion on the history of annexations in Los Fresnos and the surrounding communities and the current annexation laws., seconded by Gabriela Fernandez the vote was [Unanimous].

Acknowledgement of City Manager's Report

City Manager Report A. Waste Water Collection System & Upgrade B. Water Treatment Plant Expansion C. Hike & Bike Trails D. Drainage E. Whipple Road F. COVID-19 G. TxDot Highway 100 H. East 10th & East 5th Street Sewer I. Projects Discussed But Not Funded J. Street Repairs K. Drought Contingency Plan & Rio Grande River Water LevelsTabled

Juan Munoz made a motion to approve City Manager Report A. Waste Water Collection System & Upgrade B. Water Treatment Plant Expansion C. Hike & Bike Trails D. Drainage E. Whipple Road F. COVID-19 G. TxDot Highway 100 H. East 10th & East 5th Street Sewer I.

Projects Discussed But Not Funded J. Street Repairs K. Drought Contingency Plan & Rio Grande River Water Levels, seconded by Gabriela Fernandez the vote was [Unanimous].

Acknowledgement of Department Head Reports

Fire Marshal's Report 1. Monthly ReportTabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Fire Marshal's Report 1. Monthly Report, seconded by Gabriela Fernandez the vote was [Unanimous].

Library Report 1. Monthly ReportTabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Library Report 1. Monthly Report, seconded by Gabriela Fernandez the vote was [Unanimous].

Municipal Court 1. City Monthly Report-September 2. Linebarger Monthly Report-SeptemberTabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Municipal Court 1. City Monthly Report-September 2. Linebarger Monthly Report-September, seconded by Gabriela Fernandez the vote was [Unanimous].

Police Department 1. Calls-By Type 2. Calls-By Date & Time 3. Incidents-By Violation 4. Arrests-By Type 5. Accidents-By Streets & IntersectionTabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Police Department 1. Calls-By Type 2. Calls-By Date & Time 3. Incidents-By Violation 4. Arrests-By Type 5. Accidents-By Streets & Intersection, seconded by Gabriela Fernandez the vote was [Unanimous].

Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Permits 4. Recycling 5. Waste Water Treatment Plant Discharge Monitoring ReportTabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Public Works Report 1. Water and Wastewater Activity 2. Calls for Service 3. Building Permits 4. Recycling 5. Waste Water Treatment Plant Discharge Monitoring Report, seconded by Gabriela Fernandez the vote was [Unanimous].

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

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Financial Report 1. Monthly 2. Year to Date 3. Sales Tax, seconded by Gabriela Fernandez the vote was [Unanimous].

Closed Session

**Closed Session in accordance to Section 551.071, the Texas Open Meetings Act
Consultation with Attorney - to deliberate pending or contemplated litigation.** Tabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Closed Session in accordance to Section 551.071, the Texas Open Meetings Act Consultation with Attorney - to deliberate pending or contemplated litigation., seconded by Gabriela Fernandez the vote was [Unanimous].

Open Session – Deliberation and possible action regarding the following:

Open Session in accordance to Section 551.071, the Texas Open Meetings Act. Deliberation and possible ACTION regarding consultation with Attorney on pending or contemplated litigation. Tabled

Motion was made and seconded to table the item.

Juan Munoz made a motion to approve Open Session in accordance to Section 551.071, the Texas Open Meetings Act. Deliberation and possible ACTION regarding consultation with Attorney on pending or contemplated litigation., seconded by Gabriela Fernandez the vote was [Unanimous].

K. Adjournment

Mayor Flores recessed the meeting at 6:01 PM

Presiding Officer of the Council

Recorder