

STATE OF TEXAS
COUNTY OF CULBERSON
TOWN OF VAN HORN

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**Regular Meeting of the City Council, Town of Van Horn, Tuesday, July 13, 2021 City Hall,
1801 W. Broadway, Van Horn, TX.**

PRESENT:

Mayor Rebecca L. Brewster

Mayor Pro Tem Lyndon McDonald
Alderman Michael Garibay - Absent
Alderman Joseph Corrales
Alderman Nuny Morriss
Alderman Rene Mendoza, Jr.
City Secretary Fran Malafronte
Utilities Director Edward Torres
Asst. Chief Water Operator Jaime Hudson
City Attorney Steve Mitchell

Press: Gilda Morales, Van Horn Advocate online

Staff: Rebecca Mendias, Joe Solis, Eddie Navarette

Visitors: Albert Barragan, Nancy Navarette, ESS Staff members, Krissy Lerdal

INVOCATION and PLEDGE OF ALLEGIANCE

CALL TO ORDER:

Mayor Brewster called the meeting to order at 7:04 p.m. after ascertaining that a quorum was present and that the notice of meeting was posted according to the Texas Government Code Section 551 on Friday, July 9, 2021 at 4:00 p.m.

APPROVAL OF MINUTES:

None.

APPROVAL OF FINANCIAL REPORTS:

None.

APPROVAL OF PAYMENT OF CURENT BILLS:

None.

PUBLIC COMMENT:

None.

EXECUTIVE SESSION:

Council went into Executive Session at 8:06 PM citing Section 551.071 [Legal]. Council resumed Regular Session at 8:20 PM with no action taken.

KFOX 14 TOURISM OPPORTUNITY (SINCLAIR BROADCAST GROUP) PRESENTED BY CANDICE MACBLAIN - REVIEW/APPROVE CONTRACT:

Ald. McDonald made and Ald. Morriss seconded a motion to approve a 6-month Contract with KFOX for \$3,500.00 per month. Motion carried unanimously.

PUBLIC HEARING: ZONING VARIANCE – LOT 2, BLOCK A, SANTA CRUZ SUBDIVISION, CULBERSON COUNTY, ILIAN FLORES SEEKS VARIANCE FROM B1 TO R3:

Ald. McDonald made and Ald. Morriss seconded a motion to approve the Zoning Variance for Ilian Flores for Lot 2, Block A, Santa Cruz Subdivision, Culberson County from B1 to R3. Motion carried unanimously.

PRESENTATION OF WATER INFRASTRUCTURE CAPITAL IMPROVEMENT PROJECT AS PRESENTED BY RAUL ISSA OF BROCK AND BUSTILLOS, ENGINEERS:

Raul Issa and Sergio Adame from Brock & Bustillos, Engineers attended the meeting via Zoom. They presented to the Council a Draft version of their Capital Improvement Project. The plan prioritized the Infrastructure Improvements over a 6-year period as follows:

Water Storage: New Elevated Tank, 2022, Cost unknown

Water Supply: New Production Well, 2023, \$1,052,250

Distribution: Elm Street RR Crossing, Planned Water Replacement #1. 2022, \$154,838

Distribution: Planned Waterline Replacement #2, 2024, \$2,302,026 and 2025, \$2,302,026

Distribution: Planned Waterline Replacement #3, 2026, \$1,903,723

Distribution: Planned Waterline Replacement #4. 2027, \$908,831

Distribution: Tanks Maintenance, 2022, \$350,750, ***For a sub total of \$8,974,445***

Sanitary Sewer: Lagoon sludge and rework slopes, 2022, Cost Unknown

Sanitary Sewer: Golf Course Pond, 2022, Cost Unknown

Sanitary Sewer: Planned Sewerline Replacement 1A, 2024, \$771,544

Sanitary Sewer: Planned Sewerline Replacement 1B, 2025, \$731,172

Sanitary Sewer: Planned Sewerline Replacement 2A, 2026, \$230,690

Sanitary Sewer: Planned Sewerline Replacement 2B, 2027, \$1,276,631

Sanitary Sewer: New Manholes (67 @ \$5,000 ea.), 2023, \$385,250

Sanitary Sewer: Tmt plant expansion planning, permits, design. 2027, \$150,000

For a sub total of \$3,545,287, Grand Total of Capital Improvement Plan: \$12,519,732

Council will ask that Brock and Bustillos to rework the plan over a 10-year period to help with overall cost of the project. Council thanked Brock and Bustillos for their presentation.

RESOLUTION NO. 21-07-011 A RESOLUTION DENYING EL PASO ELECTRIC COMPANY'S APPLICATION TO CHANGE RATES:

Ald. McDonald made and Ald. Morriss seconded a motion to approve Resolution No. 21-07-011 Denying EPEC's Application to Change Rates. Motion carried unanimously.

RESOLUTION NO. 21-07-011

A RESOLUTION DENYING EL PASO ELECTRIC COMPANY'S APPLICATION TO CHANGE RATES

WHEREAS, El Paso Electric Company ("EPE" or the "Company") distributes electric power within the city limits of the Town of Van Horn ("Town") pursuant to a franchise granted to EPE by the Town, and is an electric utility; and

WHEREAS, EPE filed its Application to Change Rates with the Town on June 1, 2021, and

WHEREAS, pursuant to applicable law, the Town maintains original jurisdiction over EPE's rates charged within the city limits; and

WHEREAS, EPE has agreed to extend the effective date of the proposed change in rates within the town limits of the Town of Van Horn to August 6, 2021; and

WHEREAS, the City Council has determined that it is in the best interest of its citizens and ratepayers to deny EPE's application.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the TOWN OF VAN HORN, TEXAS:

SECTION 1. That El Paso Electric Company's application to change rates is denied.

SECTION 2. That the City Clerk is hereby directed to deliver a copy of this Resolution to El Paso Electric Company promptly after the passage hereof.

ADOPTED by the Town of Van Horn, Texas, this 13 day of July, 2021

APPROVED:

Rebecca L. Brewster, Mayor

ATTEST:

APPROVED AS TO FORM

Fran Malafronte, City Secretary

Steve Mitchell, City Attorney

REVIEW/APPROVE QUOTE FROM FINISHED CONCRETE SYSTEMS FOR A NEW EPOXY CLEAR COAT FOR THE CCVB GRAND HALL FLOOR \$31,875.00:

Ald. McDonald made and Ald. Corrales seconded a motion to Table this item until the roof at the CCVB is fixed. Motion carried unanimously.

REVIEW/APPROVE RFQ & AGREEMENT FOR A QUALIFIED ENGINEERING FIRM TO PREPARE ALL PRELIMINARY AND FINAL DESIGN PLANS AND SPECIFICATIONS, AND TO CONDUCT ALL NECESSARY INTERIM AND FINAL INSPECTIONS FOR A SCADA SYSTEM:

RFQ's were received from 2 companies, Parkhill Smith and Cooper and ESS. ESS was present at the meeting and utilizing a Power Point presentation, detailed their expertise in designing and installing SCADA Systems. The presentation highlighted the total automation of a remote controlled/monitored water system. ESS pointed out to Council they are a member of Region 19, a Municipal Purchasing Cooperative, where bids are not necessary if purchased through a Region 19 member. It was recommended that the Town of Van Horn join this Cooperative. Council agreed to hire ESS and to join Region 19, and not use an Engineering Firm, noting that ESS is a "direct purchaser" not an engineering firm. Ald. McDonald made and Ald. Corrales seconded a motion to hire ESS, although they are not an engineering firm to design and install the new SCADA system and to join the Region 19 Cooperative. Motion carried unanimously.

REVIEW/APPROVE RFQ & AGREEMENT FOR A QUALIFIED ENGINEERING FIRM TO PREPARE ALL PRELIMINARY AND FINAL DESIGN PLANS AND SPECIFICATIONS, AND TO CONDUCT ALL NECESSARY INTERIM AND FINAL INSPECTIONS FOR MAINTENANCE AND

UPGRADES FOR THE TOWN'S WASTEWATER SYSTEM TO INCLUDE (A) PHASE I: SLUDGE REMOVAL AND MAINTENANCE, (B) PHASE II: ANY NECESSARY UPGRADES TO THE EXISTING LAGOON SYSTEM AND TO THE REDEVELOPMENT OF EFFLUENT PONDS AT THE GOLF COURSE TO BE USED FOR IRRIGATION. SERVICES SHALL INCLUDE ANY TCEQ PERMITTING OR UPGRADES TO EXISTING PONDS:

RFQ's were received from 3 companies, Frank X Spencer, Engineers. Brock and Bustillos, Engineers and Burgess and Nipel. Ald. McDonald made and Ald. Morriss seconded a motion to hire Burgess and Nipel because of their experience in smaller cities. Motion carried unanimously.

REQUEST FROM CITY STAFF TO HAVE CITY CLOSE ON JULY 20, 2021 SO THEY MAY ATTEND THE HISTORIC BLUE ORIGIN FIRST CIVILIAN MANNED SPACE FLIGHT:

Ald. Mendoza made and Ald. McDonald seconded a motion to close City Offices until 1PM, so the staff may have a brunch and watch the Blue Origin flight. Motion carried unanimously.

REVIEW HOUSE BILL 872 (HB 872): PROTECTION OF MUNICIPALLY OWNED UTILITY CUSTOMER INFORMATION:

House Bill 872

The Texas Legislature recently passed HB 872 which includes legislation that makes government operated utility bills confidential. Customers used to have to specifically request to keep their utility bill private; however, the approval of HB 872 makes utility bills automatically private. Customers do have the option to opt out of having their utility bill kept confidential.

REQUEST FROM CITY ADMINISTRATOR FRAN MALAFRONTA TO APPLY FOR REIMBURSEMENT OF VHVFD WORKER'S COMPENSATION PAYMENTS HB 3667 AND TO APPLY UNDER HB 2604 FOR A GRANT FOR NEW BRUSH TRUCK FOR THE VHVFD, BOTH THROUGH THE TEXAS A & M FOREST SERVICE:

Ald. McDonald addressed the Council. Ald. McDonald informed the Council that the VHVFD is not eligible for a truck this grant cycle because they received a truck grant in a previous cycle. He asked that he be given a copy of the Invoice for the Worker's Compensation Insurance premiums and he would apply for the Insurance Reimbursement.

DISCUSS/ACT ON: OPENING THE VAN HORN LANDFILL TO OTHER MUNICIPALITIES FOR THE DUMPING OF THEIR MUNICIPAL HOUSEHOLD WASTE:

Ald. Morriss made and Ald. McDonald seconded a motion to deny opening the landfill to other Municipalities due to a "lack of space". Motion carried unanimously.

DISCUSS ACT ON: PAY OFF LEASE WITH ALLY FINANCIAL FOR 2 CHEVY 2018 SILVERADO TRUCKS, CONSIDER LEGAL ACTION AGAINST ALLY FINANCIAL:

Ald. Morriss made and Ald. Corrales made a motion to have Fran Malafronte, City Administrator and Edward Torres, Utilities Director, prepare a spreadsheet indicating the dollar loss suffered by the Town with regard to the Ally Finance mistake. City Attorney Steve Mitchell will then draft a letter to Ally for Council to approve outlining the damages caused by Ally's actions. Motion carried unanimously.

GRANT PROGRAMS:

No Report given.

DEPARTMENTAL OPERATIONS:

(a) Library – Update on: Reading Programs; Acquisitions; Building Needs

(b) CCVB – Update on: Events; Building Needs

(c) Municipal Services/Public Works/Utilities – Update on: Monthly Activities; Leaks and Repairs; TCEQ Compliance; Landfill Operations

(d) Municipal Services/Animal Control – Update on: Facilities; Statistics

(e) Municipal Services/Parks and Golf – Update on: Maintenance and Repairs

(f) Municipal Services/Code Enforcement – Update on: Statistics

(g) Van Horn Economic Development Corporation -- Update on: Downtown Revitalization Parking Lot Improvements; Economic Development Activities

(h) Administration – Update on: Monthly Accounts Payable, current financial status

(i) Emergency Management -- Update on: Disaster Declarations

(j) Municipal Court – Update on: Court Statistics

Edward Torres, Utilities Director addressed the Council. Mr. Torres reported that Fourth of July started with a bang, rain storms and a broken SCADA system. Many leaks also erupted. Regarding the landfill, Mr. Torres reported that they had problems with the compactor and parts were expected in tomorrow so the necessary repairs can be made. The Jubilee is quickly approaching and the men have been sprucing up the Town. New canopies will be going up at the Pool before the Jubilee. The VHEDC has donated the canopies to the City. Lastly Mr. Torres stated that we did experience a power outage and the new generator did in fact kick in.

ADJOURNMENT:

After no further business, Mayor Brewster adjourned the meeting at 8:31 p.m.

ATTEST:

Rebecca L. Brewster
Mayor

Fran Malafronte
City Secretary