



REGULAR MEETING

TAKE NOTICE THAT A REGULAR MEETING
OF THE CITY OF EDCOUCH WILL BE HELD
AT 211 W. SOUTHERN AVE., EDCOUCH, TEXAS, ON
THURSDAY, NOVEMBER 21, 2019
COMMENCING AT 6:00 P.M.

AGENDA

- A. Call Meeting to Order
- B. Roll Call
- C. Pledge of Allegiance
- D. Invocation
- E. Public Comments
- F. Discussion and possible action on approval of Minutes:
 - 1. Special Meeting Minutes of November 16, 2019.
- G. Consent Agenda
 - 1. Engineers Report
 - 2. Planning Department
 - 3. Permit Department
 - 4. Finance Department
 - 5. Police Department
 - 6. Municipal Court Department
 - 7. Fire Department
 - 8. City Managers Report
- H. Discussion and possible action on AdComp update on cost of software for Court and Water Accounts
- I. Discussion and possible action on an Interlocal Agreement between the City of Edcouch and the Edcouch Economic Development Corporation for administration and professional services agreement. .
- J. Discussion and possible action on approval of Resolution No. 2019-22; Authorizing the establishment of a bank account and designation of certain individuals as authorized signatories for the purpose of administering the Edcouch Economic Development Corporation funds.
- K. Discussion and possible action on permitting promotion signs at the Baseball - Softball Field.
- L. Discussion and possible action on accepting Chief Javier Garza's resignation.
- M. Discussion and possible action on increasing fines for illegal dumping.
- N. Discussion and possible action on Employees Christmas Bonus.

O. Discussion and possible action on proceeding with litigation against Fulcrum Consulting Services for Damage on Wastewater Treatment Plant Project.

P. Executive Session: Texas Government code Chapter 551, Section 551:071, Consultation with City Attorney.

Pursuant to Chapter 551.Section: 551.071: Consultation with City Attorney, the Council shall convene to Executive Session to discuss the following:

1. Litigation - Fulcrum Consulting Services

Q. Reconvene: The Council shall Reconvene and take possible action on items discussed In Closed Meeting/Executive Session:

Chapter 551, Section 551.071: Consultation with City Attorney.

1. Litigation - Fulcrum Consulting Services

R. Adjournment.

NOTICE OF ASSISTANCE AT THE PUBLIC MEETING

City Hall is Wheelchair accessible & accessible parking spaces are available. Request for accommodations or interpretive services must be made 48 hours prior to this Meeting. Please contact the City Secretary's Office at 956-262-2140 or Fax 956-262-2920 for further information. Braille is not available.

If during the course of the meeting, The City Council should determine that a Closed Session or meeting is authorized by section 551.071, 551.072, 551.074, 551.075, 551.076, 551.084, 551.086 of the Government Code or Vernon's Texas Codes Annotated, notice of Closed or Executive Session will be given after the commencement of the meeting covered by this notice pursuant to Section 551.101 of the Local Government Code. Should any final motion, decision, or vote be required in the opinion of the council with regards to any item during the meeting, then such final action, decision, or vote shall be made during the open meeting covered by this notice upon the reconvening of the Public Meeting.

I, the undersigned authority, do hereby certify that the above notice of said Regular Meeting of the Board of Aldermen of the City of Edcouch was posted on the main entrance to Edcouch City Hall on the 18th day of November 2019 at 5:00 pm and will remain posted continuously for at least 72 hours prior to the scheduled time of said meeting, in compliance with Chapter 551 of the Government Code, Vernon's Texas Codes, Annotated (Open Meetings Act).

WITNESS MY HAND AND SEAL, THIS 18th DAY OF NOVEMBER 2019.

Victor H. De La Cruz
City Manager



MINUTES
REGULAR MEETING
CITY OF EDCOUCH
211 W. SOUTHERN AVE., EDCOUCH, TEXAS
THURSDAY, NOVEMBER 21, 2019
6:00 P.M.

AGENDA

S. **Call Meeting to Order** Meeting was called to Order by **Mayor Pro Tem: Flores** at **6:09 pm.**

T. **Roll Call** Roll call was called by **Mr. Pete De la Cruz** as follows:

| | Present | Absent | City Staff: |
|------------------------------|--------------|----------------|---|
| Mayor: Virginio Gonzalez Jr. | _____ | <u> X </u> | Victor H. De La Cruz, City Manager |
| Mayor Pro Tem: Flores | <u> X </u> | _____ | Manuel Hernandez Jr., Fin./Court Admin |
| Alderman: Joel Segura | _____ | <u> X </u> | Pete De La Cruz, Fins./Grants |
| Alderman: John Chapa | <u> X </u> | _____ | Mark Leal, Police Officer |
| Alderman: Robert Gutierrez | <u> X </u> | Arrived @ 7:35 | Office: Marcy Ledezma, Tessa Rodriguez |
| Alderman: Lorenzo Cabrera | <u> X </u> | _____ | Esmer Rangel, Nancy Herrera |

City Attorney: Orlando Jimenez

Guest: Alfredo Sanchez

Pete De La Cruz - Mayor, we have a quorum.

U. **Pledge of Allegiance** Pledge of Allegiance was led by **Counsel: Mr. Jimenez.**

V. **Invocation** Invocation was led by **Victor H. De La Cruz.**

W. **Public Comments** **Mr. Pete De La Cruz** - No Public Comments

Alfredo Sanchez

Mayor Pro Tem: Flores moved back to Item E. Public Comments right after Item H. to address a complaint from a resident, Mr. Alfredo Sanchez who came in late. (26:15)

Mr. Sanchez came in late; he came in right after Item G. and before Item I. As per the attorneys advise, Mr. Sanchez was allowed to express his concerns/complaint. Mr. Sanchez informed the Council about his problem concerning the brush at his property and problems he has encountered with the City. After a lengthy discussion with Mr. Sanchez and his complaint, Mr. Victor H. De La Cruz informed Mr. Sanchez that his office doors were always opened for whenever he needed to talk to him. (34:20)

After a lengthy discussion with the Council, City Manager, and Mr. Sanchez concerning Mr. Sanchez's complaint, Mayor Pro Tem: Flores went back to Item I. (34:22)

X. **Discussion and possible action on approval of Minutes.** (1:43)

1. Special Meeting Minutes of November 16, 2019.

A motion to **approve** the minutes of Nov. 16, 2019 was made **by Alderman: Chapa, 2nd by Alderman: Cabrera.** All Voted Aye. Motion Carried. (2:18)

Y. Consent Agenda (2:19)

1. Engineers Report Mr. V. H. De La Cruz

Mr. Victor H. De La Cruz - The engineer is not here, but I will report on two projects that we are focusing on. The first project are the streets. This project is with the 2020 - Urban County Program Project. It is already in order. All necessary documents have been submitted to Urban County, we are just waiting for the green light to get started. We are hoping we can start this process sometime in December.

The second project that we are focusing on is project with the pool. We are actually meeting the engineer and the architect, we are meeting with them once a week, on Fridays. We have been working with them and hopefully we can get a rendition within a week. That's my report for the engineering report.

2. Planning Department No Report at this time.

3. Permit Department Report on File

Ms. Esmeralda Rangel went over the report on file and she also informed them of problems with permits not being requested for garage sales. She also informed them that there will be building apartment renovations at the Jardin and the Cielito Lindo Apartments and that the City Inspector needs to go over the Specs and Plans for them, so that we can know what to charge them. He was supposed to come over to the office on Monday and he didn't come by. **Mr. Manuel Hernandez**, - I'll call him tomorrow to inform him that we need for him to come by and pick up the documents.

4. Finance Department Report on File

Ms. Marcy Ledesma went over the report on file and she also informed the Council that we were still receiving monies on the property taxes.

Mr. Victor H. De La Cruz informed the Council that they were also looking on doing some budget amendments and informed the new Aldermen on what other information is included in the agenda packages on Consent Agenda and that this is only done on the second meeting of the month. (8:15)

5. Police Department Report on File

Chief: Garza went over the report on file

6. Municipal Court Dept. Report on File

Ms. Tessa Rodriguez went over the report on file and she also informed the Council that they have already started with Scofflaw Program.

Mr. Victor H. De La Cruz briefly informed the Council on the amount of citations, citation payments, court costs, and conducting a round up. (13:05)

7. Fire Department

No Report on File

Mr. Victor H. De La Cruz - At this time, I would like to add the Water Report by Ms. Nancy Herrera

Water Report (13:13)

Report on File

Ms. Nancy Herrera went over the report on file and she also informed the Council that they have collected over \$10,000 on water collections. She also informed the Council on problems and complains she has been having from residents concerning trash and brush pickups by All Valley Waste LLC. They have not been picking up a lot of brush, mattresses, trash, etc. On trash can, if lid are not facing the street, they have been leaving without being picked up. They also do not pick up garbage can that are filled up and have the lid open due to too much garbage. I have called them, and they don't come back to pick them up.

After further discussion on the garbage pickup between Ms. Herrera, Mr. De La Cruz and the Council, Mr. De La Cruz said he would get together and set a meeting with All Valley Waste to discuss the problems. (19:20)

8. City Managers Report (19:20)

Mr. Victor H. De La Cruz - There is no report at this time

Z. Discussion and possible action on AdComp update on cost of software for Court and Water Accounts. (19:25)

Mr. Victor H. De La Cruz - I wanted to bring this item up because there is an agreement with Exhibit A & E with AdComp, which is not signed. We have been meeting with AdComp weekly trying to catch up with some of the projects that are going on, as you know we are doing the court and the water accounts. Both of these systems are not working yet we were supposed to go live back in March. So, I decided to make a meeting with the owner, and they brought this agreement up. If you notice on the second page, you'll see the cost of these items. These items were news to me because from the time that they came over here and actually presented this to us, if I remember correctly, they just talked about the surcharge. They were going to be charging the surcharge, now I see a lot of different costs there. Just in the water alone, they are charging a dollar per account and we have 1,032 accounts, that's \$1,032.00. That is what we are going to have to pay on top of the surcharge. And then the surcharge, my understanding is that they were going to charge us just the payment that are made online and these are any credit card payments whether they are online or here at the office. Then on top of that, on the Court, if someone come in and makes a payment, it's going to be \$4 per credit card and then an addition \$4 for the TFC part. These things were not discussed when they came and presented it. So, I need some direction from you all to see what it is that you want me to do. I did meet with them, we talked, and we met concerning this particular contract they are saying that I signed it, but I don't remember signing it and I am pretty sure that the city attorney has not seen this either. They weren't able to produce a contract to me. One thing that we don't know is that if the previous city manager actually signed this. **Mayor Pro Tem: Flores** - Pete, do you

remember, I remember a lot of this stuff that they came in and presented a lot of times. Marcy, do you remember any of this? **Ms. Marcy Ledesma** - From what I know, we never signed a Contract. **Mr. Pete De La Cruz** - I don't have a contract in my files, I usually would have one on file if it was signed. **Mayor Pro Tem: Flores** - Yes, then there is no contract with them. What do you recommend (Counsel) Mr. Jimenez? **Mr. Jimenez** - In looking at the agreement, the agreement seems to be very simple, the agreement itself, Exhibit A talks about all the fines and all the costs associated with it. So, if the city does sign the actual agreement whether it makes reference to Appendix A or B, so you are basically accepting it. So, without talking to the City Manager and looking at the exact fees and the exact rate, then it would be in the best interest of the City to sign anything at this point. My suggestion would be to bring them back and ask them those questions so that way you can figure out if it was a misunderstanding. If it was a misunderstanding, then they can correct Exhibit A, so we can reflect that misunderstanding and at that point the City will feel much more comfortable signing the exact agreement. So, at this point just table it until we come back to it. **Mr. Victor H. De La Cruz** - Before we continue, Mr. Jimenez, I will say this, this is only part of the issue that I wanted to discuss. That's why the discussion item was on the software and we kept it just to that. **At this time Ms. Nancy Herrera brought up some problems with the charges and the customers agreements. Mr. De La Cruz continued.** After looking at the discussion item, I agree with the Council and just for discussion purposes, I would like to say that the actual goal, the way this project is going, we were supposed to be on live, a long-time ago. So, I am getting to a point where I want to say, you what, just drop the whole thing. If the Council gives me permission to start putting them a little pressure, then we can come back to this item. **Mayor Pro Tem: Flores** - So, you want a motion to approve? **Mr. Victor H. De la Cruz** - No, you can go ahead and table this item.

A motion to **table any action on AdComp update on cost of software for Court and Water Accounts** was made **by Alderman: Chapa, 2nd by Alderman: Cabrera.** All Voted Aye. Motion Carried. (25:57)

After Item H., Mayor Pro Tem: Flores went back to Item E. Public Comments and then came back to Item I. (34:25)

AA. Discussion and possible action on an Interlocal Agreement between the City of Edcouch and the Edcouch Economic Dev. Corp. for administration and professional services agreement. (34:26)

After Item H., and Mayor Pro Tem: Flores reading of Item I., Mr. Victor H. De La Cruz asked Mayor Pro Tem: Flores if they could hear a complaint Under Item E. Consent Agenda from Mr. Alfredo Sanchez who just came. Mayor Pro Tem: Flores went ahead and moved back to Item E. Public Comments to address a complaint from a resident, Mr. Alfredo Sanchez. (26:15)

After a lengthy discussion with the Council and the City Manager concerning Mr. Sanchez's complaint on Item E. Public Comments, Mayor Pro Tem: Flores came back to Item I. (34:25)

Mr. Victor H. De La Cruz - Mayor Pro Tem, we are looking at an agreement between the City of Edcouch and the Edcouch Economic Development Corporation. This agreement touches on a few items where the City will be doing some work for the EEDC. So, for the City to be able to do that for the EEDC, we have to have that agreement in place. I sent the agreement to Mr. Jimenez for review. What I am requesting is that you approve it pending review by Mr. Jimenez and then me signing it. Is that ok, Mr. Jimenez? **Mr. Jimenez** - There are minor corrections on the agreement. On paragraph five (5), on the consideration, it talks about how the reimbursement to the city and the percentages are left blank. So, I don't know if Mr. De La Cruz needed direction from the Council to determine what kind of percentage goes there. That is the only one of any significances, he needs direction on what it will be. Other than that, it's just some typographical errors that we can correct. So, basically you can approve it pending review by counsel.

A motion to **approve** the Interlocal Agreement between the City of Edcouch & the Edcouch Economic Development Corporation for administration and professional services agreement **contingent to review by Counsel, Mr. Jimenez** was made **by Alderman: Chapa, 2nd by Alderman: Cabrera.** All Voted Aye. Motion Carried. (36:52)

BB. Discussion and possible action on approval of Resolution No. 2019-22; Authorizing the establishment of a bank account and designation of certain individuals as authorized signatories for the purpose of administering the Edcouch Economic Development Corporation funds. (36:53)

Mr. Victor H. De La Cruz - Mayor Pro Tem, this works in conjunction with Item I. This is a resolution that allows the City to do work with the EEDC. We already have a lot of these things in place, this is just to solidify everything and do everything the proper way. **Mr. Jimenez** - This one here is ready to go. There are no corrections or modifications and you can go forward and approve th resolution. **Mayor Pro Tem: Flores** - Is there a motion?

A motion to **approve** Resolution No. 2019-22; Authorizing the establishment of a bank account and designation of certain individuals as authorized signatories for the purpose of administering the Edcouch Economic Development Corporation funds was made **by Alderman: Cabrera, 2nd by Alderman: Chapa.** All Voted Aye. Motion Carried. (38:15)

CC. Discussion and possible action on permitting promotion signs at the Baseball - Softball Field.

Mr. Victor H. De La Cruz - Mayor Pro Tem, this item was brought up to me by one of the commissioners. This is just an idea to go out and get vendors to participate on putting up sign on the fence based from donation on participation. If we go this route, it will be the cost of the actual sign. The City would then be able to make some money off of that. I think it will be a one-time fee for the sign which will include their logo on the sign and then we will install it. **Alderman Chapa** - Will it be like a yearly fee? **Mr. Victor H. De La Cruz** - It's up to you all, we are open for any suggestions. Basically, if you all permit us, then we can come back and give you a presentation. **Mr. Jimenez** - Usually what is highly recommended is that we come up with an ordinance where we specify that there is not going to be any kind of obscene gesture, foul language, if it's going to be on a yearly or monthly basis, and that is gong to be a flat cost across the board and no one is going to be discriminated against. That way the city

won't be found liable. We also need to look at what kind of business, activity, or advertisement we are going to allow. That way we can start working on an ordinance so we can come back and give them a copy of the ordinance which specifies what is eligible and in the same level of understanding. **Mayor Pro Tem: Flores** - So, do you want to table this item, or do we approve with contingent of... **Mr. Jimenez** - The way it's written, it has possible action on permitting promotional signs and so, because it has that specific commanding order and if you accept it, then you are already saying that you allow it. What you could do is allow it subject to some kind of condition and the condition would have to be met or you can identify it so we could put it on the ordinance. That is one alternative, the other would be to give us the time to work on the ordinance so we can present it to you on your next meeting of your city council meeting. **Mayor Pro Tem: Flores** - So, you basically have two alternatives before you. **Mr. Victor H. De La Cruz** - I recommend we table until we can work on something.

A motion to **table** permitting promotional signs at the Baseball - Softball Field was made **by Alderman: Cabrera, 2nd by Alderman: Chapa.** All Voted Aye. Motion Carried. (41:15)

DD. Discussion and possible action on accepting Chief Javier Garza's resignation. (41:16)

Mr. Victor H. De La Cruz - Mayor Pro Tem, a few days ago, I received the resignation letter from our current chief. The effective date of the resignation will effective November 27, 2019. At this time, I am requesting permission to accept the resignation from Chief Garza.

A motion to **accept Chief Javier Garza's resignation** was made **by Alderman: Chapa, 2nd by Alderman: Cabrera.** All Voted Aye. Motion Carried. (41:53)

Mr. Victor H. De La Cruz - Mayor Pro Tem, I would request that you allow me to name Mr. Juan P. Quintanilla as our new Interim Chief. **Mayor Pro Tem: Flores** - Ok. **Mayor and Aldermen gave Mr. Quintanilla a big hand of applause.** **Mr. Victor H. De La Cruz** - Do you want to say something Mr. Quintanilla? Interim Chief Quintanilla - I want to thank you for the opportunity. **Mayor Pro Tem: Flores** - Ok, thank you. (42:15)

EE. Discussion and possible action on increasing fines for illegal dumping. (42:16)

Mr. Victor H. De La Cruz - Mayor Pro Tem, as you know, we have been having problems and a lot of issues with illegal dumping and just like the brush pick up complaint we just had from a responsible person like with Mr. Sanchez. There are a lot of irresponsible people that are not caring, they just throwing their trash anywhere, illegally within the city. If we are going to try and enforce this, right now the fee is \$160, which is way too low. I am requesting that you consider we raise it to \$500. That doesn't mean that the process fee will be \$500, it will be from anywhere from \$160 to \$500, we have a leeway to work with depending on what they are dumping. The Judge can determine what the fine will be depending on the amount of trash or circumstances. I am having an issue with one special place and we need to address it.

A motion to **approve** the increasing of fines for illegal dumping to \$500.00 was made **by Alderman: Cabrera, 2nd by Alderman: Chapa.** All Voted Aye. Motion Carried. (44:16)

FF. Discussion and possible action on Employees Christmas Bonus. (44:18)

Mr. Victor H. De La Cruz - Mayor Pro Tem, this was actually on the Budget, we did budget for actually twenty-six people that were on the budget at that particular time. We did have some people that were here from Work Force for six months and most of those people stayed on board and were not budgeted. So, we are looking at a total, if we are to go, and I wanted to give you all the option to decide, the original budget was set for \$300 for 26 people and the total was for \$7,800. Now, if we are to add 10 people at also \$300, the total will be \$11,400. I also wanted to give you an other option. The other option would be to give the people from Work Force, considering that they just started their regular job a \$150 and would come up to a total of \$9,600 rather than the \$11,400. **Mayor Pro Tem: Flores** - Is this the first time the employees get a bonus. **Mr. Victor H. De La Cruz** - No Sir, they got one last year. (46:25) **After a continued discussion between the Council and Mr. De La Cruz on the employees and the bonuses, the Christmas Party, and Christmas Party Place, etc., a motion was called. (49:25)**

A motion to **approve the Employees Christmas Bonus at \$300 for regular employees and \$150 for those 10 employees in probation** was made **by Alderman: Chapa, 2nd by Alderman: Cabrera.** All Voted Aye. Motion Carried. (50:15)

GG. Discussion and possible action on proceeding with litigation against Fulcrum Consulting Services for Damage on Wastewater Treatment Plant Project. (50:20)

Mr. Jimenez - Mayor, if we can have these Items moved into Executive Session because they are under litigation. **Mayor Pro Tem: Flores** - Ok, we have a recommendation from our counsel to move Item O to Executive Session.

At 7:00 pm, Mayor Pro Tem: Flores informed the audience that the Council would be Going into Executive Session pursuant to Chapter 551. Section 155.071. Consultation with City Attorney. The Council shall convene to Executive Session & discuss the following: Chapter 551, Section 551.071; Consultation with City Attorney. (51:14)

1. Litigation – Fulcrum Consulting Services

HH. Executive Session: Texas Government code Chapter 551, Section 551:071, Consultation with City Attorney.

Pursuant to Chapter 551.Section: 551.071: Consultation with City Attorney, the Council shall convene to Executive Session to discuss the following:

1. Litigation - Fulcrum Consulting Services

II. Reconvene: The Council shall Reconvene and take possible action on items discussed In Closed Meeting/Executive Session:

Chapter 551, Section 551.071: Consultation with City Attorney.

2. Litigation - Fulcrum Consulting Services

Alderman: Robert Gutierrez arrived during Executive Session and was present during Item Q. Reconvene right after the Executive Session.

Mayor Pro Tem: Flores - It is now **7:38 pm** and we are now back into Open Session. (51:20)

Mayor Pro Tem: Flores - Item Q. Reconvene. The Council shall reconvene and take possible action on items discussed in Executive Session. Texas Government Code Chapter 551. Section 551.071, Consultation with City Attorney.

Chapter 551, Section 551.071: Consultation with City Attorney.

1. Litigation - Fulcrum Consulting Services (51:54)

Mr. Victor H. De La Cruz - Mayor Pro Tem, I pass this Item to Mr. Jimenez. (52:02)

Mr. Jimenez - Mayor Pro Tem: Flores & City Council, regarding the litigation of Fulcrum Consulting Services that we discussed in Executive Session, my recommendation to proceed in filing lawsuit against Fulcrum Consulting Services and anybody who profited in any way from this fraudulent, deceptive, and misrepresentation that they committed upon the City of Edcouch. (52:23)

Mayor Pro Tem: Flores - As per recommendation from Counsel, I need a motion.

A motion to file a lawsuit on the litigation with Fulcrum Consulting Services was made by **Alderman: Chapa**, 2nd by **Alderman: Cabrera**. **All Voted Aye. Motion Carried.** (52:50)

JJ. Adjournment.

At **7:42 pm**, a motion to **adjourn** was made by **Alderman: Gutierrez**, 2nd by **Alderman: Chapa**, **All Voted Aye. Motion Carried.** (53:10)

Take Notice that this are the true and correct minutes taken of the Regular Meeting of the City of Edcouch held on Thursday, November 21, 2019.

Passed and Approved by the Board of Aldermen on this 5th day of December 2019.

ATTEST

Pete De La Cruz
City of Edcouch