



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, JANUARY 16, 2020
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. Regular Meeting Minutes of January 2, 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 Agua Metric Sensus/ Flexnet Service and Maintenance Contract.**
- I. Discussion and possible action on status of Adcomp Systems for Courts.**
- J. Discussion and possible action on status for Adcomp Systems for water.**
- K. Discussion and possible action on appointment of Emergency Management Coordinator.**
- L. Discussion and possible action on advertising on RFQ/RFP for Parks & Wildlife Project.**
- M. Discussion and possible action on advertising for Competitive Sealed Proposals for the Community Center Project.**
- N. Discussion and possible action on ranking criteria for competitive Sealed Proposals for the Community Center Project.**
- O. Discussion and possible action on selection of Edcouch Fire Chief.**
- P. Discussion and possible action on updating Vicious Dog Ordinance, Ordinance No. 88-23.**
- Q. Discussion and possible action on Livestock Ord., animals over 1,000 lbs., Ord. # 88-04.**
- R. Discussion and possible action on ongoing litigation issues with Blue Lion.**
- S. Discussion and possible action on ongoing litigation issues with Mrs. Alicia Segura.**

- T. Discussion and possible action on ongoing litigation issues with Mr. Jose “Calin” Guzman
- U. Discussion and possible action on ongoing litigation issues with Fulcrum Consulting Services
- V. Discussion and possible action on ongoing litigation issues with Javier Villalobos.
- W. Discussion and possible action on letter from TMPA.
- X. 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 - Blue Lion | 4. Litigation - Fulcrum Consulting Ser. |
| 2. Litigation - Alicia Segura | 5. Litigation - Javier Villalobos |
| 3. Litigation - Jose “Calin” Guzman | 6. Litigation - Letter from TMPA |

- Y. 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 - Blue Lion | 4. Litigation - Fulcrum Consulting Ser. |
| 2. Litigation - Alicia Segura | 5. Litigation - Javier Villalobos |
| 3. Litigation - Jose “Calin” Guzman | 6. Litigation - Letter from TMPA |

- Z. 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 13th day of January 2020 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 13th DAY OF JANUARY 2020.

Victor H. De La Cruz
City Manager

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**MINUTES
REGULAR MEETING
CITY OF EDCOUCH**

211 W. SOUTHERN AVE., EDCOUCH, TEXAS
THURSDAY, JANUARY 16, 2020
6:00 P.M.

AGENDA

AA. Call Meeting to Order Meeting was called to Order by **Mayor Gonzalez at 6:03 p.m.**

BB. Roll Call Roll call was called by **Mr. Manuel Hernandez as follows:**

	Present	Absent	City Staff:
Mayor: Virginio Gonzalez Jr.	<u> X </u>	<u> </u>	Victor H. De La Cruz, City Manager
Mayor Pro Tem: Flores Admin	<u> X </u>	<u> </u>	Manuel Hernandez Jr., Fin./Court
Alderman: Joel Segura	<u> </u>	<u> X </u>	Interim Chief: J. Quintana
Alderman: John Chapa	<u> X </u>	<u> </u>	
Alderman: Robert Gutierrez	<u> </u>	<u> X </u>	
Alderman: Lorenzo Cabrera	<u> X </u>	<u> </u>	
City Attorney: Orlando Jimenez			

Mayor, we have a quorum.

CC. Pledge of Allegiance Pledge of Allegiance was led by **Orlando Jimenez.**

DD. Invocation Invocation was led by **Mr. De La Cruz .**

EE. Public Comments **Brenda Bolanos: Concerned about lights and burglaries at Dolores Huerta Subdivision**

FF. Discussion and possible action on approval of Minutes:

- 1. Regular Meeting Minutes of January 2, 2019. Mr. De La Cruz:** Minutes are on your package if you have any questions.

A motion to approve the Regular Meeting Minutes of January 2, 2019 was made by Alderman Flores , 2nd by Alderman Chapa . All Voted Aye/ Motion Carried.

GG. Consent Agenda

- 1. Engineers Report: Mr. De La Cruz:** We Will Pass and report at a later time
- 2. Planning Department: Mr. De La Cruz:** There is nothing to report at this time
- 3. Permit Department: Mr. Dr La Cruz:** There is nothing to report at this time.

4. Finance Department: Mr. De La Cruz: There is a report there if you have any questions. There has been a change in Finance Dept, and at this time I am taking Care of Finance. **Mayor:** Perfect **Comm. Flores:** Is there any bonds due at this time? **Mr. Hugo De La Cruz:** There was one bond that was paid off this month. **Comm. Flores:** How much? **Mr. De La Cruz:** It was 22,000. What I m planning on doing I ll be transferring on a monthly basis to a separate account. **Comm Flores:** What was that bond for? **Mr. De La Cruz:** It was for the water development board. **Comm Flores:** Also there is something about a check that was not deposited that was lost? **Mr. De La Cruz:** Yes it was at the PD, that is how deposits are handled, we prepare them and have a police officer deposit the, they go deposit and for some reason it stayed at PD for one week. **Mayor Virgil:** The problem has been addressed right? Any other questions on the Fine? OK

5. Police Department Chief Quintana: Good Evening everybody, For the Month of December we have 2 accidents to report in which both were minor. 116 traffic citations, 2 burglaries, 3 thefts, 8 public intoxications, 5 drug arrests, 2 criminal mischief . Assistance to Fire Dept 2, funeral escorts 1, police assist by La Villa PD 3, Police Assists to La Villa PD 6, Police Assists to Elsa PD 0. Number of calls 61. **Mayor Virgil:** As far as staff are you fully staffed? **Chief:** We have a reserve unit with 5 officer doing 16 hrs a month for free. They are doing 4 hr shifts. **Mayor:** What assignments are you giving them? **Chief:** Patrol. Any Questions? **Comm Flores:** Any Training you guys are looking at? **Chief:** Yes TXDOT training, I will get with Mr. Hugo on that. **Mr. De La Cruz:** We are looking in to code enforcement as well, we are looking on sending Mr. Hernandez. **Chief:** And on Tuesday, Manny and myself attended a workshop that is required for us to get grants, so we should be good on that for 2021. **Mr. De La Cruz:** We are also taking a look at a grant u sent us from Mr. Vicente Gonzalez office.

6. Municipal Court Department: Mr. Hernandez: Mr. Mayor and members of the Council, MS Tessa Rodriguez is out of town visiting family so I will give report today. We would like to report that the month of December was a very good and solid month for the Municipal Court, we collected a total of 9,434. Scofflaw is in full affect and has been very successful. **Mayor Virgil:** I want to thank you Manny, I know this thing took a while, but it should work out and be successful **Mr. Hernandez:** Any questions? **Mr. De La Cruz:** I Would like to add Mayor that Adcomp will be presenting in a bit but if you are getting phone calls about texts it is in full affect but we will talk later, thank you.

7. Fire Department: Chief Victor Nieves: So it was the end of the year so I did make an end of the year report and also a monthly report in the same one so its pretty lengthy. For

the year last year we had 227 service calls in total. For mutual aid we had 57 calls, our main mutual aid off course is La Villa. And then we also have Alamo, Santa Rosa, Monte Alto, Elsa and Weslaco. We had a total of 131 county calls, that is everything that is not within the city limits and we raised a total of 69,040.00 from the county funds. We are in search of a tanker truck, this tanker truck will help us within our city and all with our insurance rates, it will also provide us to provide us better service to surrounding areas. We are trying to find an economical one. We also had a total of 96 city limit calls which brought us a total of 50,208, and estimated grand total of 119,248.00. I am glad that we have submitted all 2019 reports to county to get reimbursed. As far as training we have had very successful trainings. We had a mutual training with metro fire in which they showed us the latest equipment in fire technology, it was very informative we had 20 volunteers from both La Villa and Edcouch. We also have done active shooter and search and rescue training. We have a CPR class coming up that will be free of training to the city and Fire Dept. I am working with EMT/EMS instructor to coordinate and bring a free class estimated value of over 2,000 per person to better serve our city and provide careers to our firefighters and allowing them more time off to respond. I am also working with ESD 2 in writing a grant from the department of Homeland Security to provide the fire department with much needed radios. 5 of 8 units are back in service. Engine 1 is back and has proven to be a valuable asset to our city. Rescue 1 is back in service. Brush 1 will be put back in service as a reserve unit. Brush 2 pump is out of service due to lack of maintenance. Brush 3, Truckers Equipment donated tires to them. Also Falfurrias Fire Dept donated a tank, pump at an estimated value of 8,000 to convert the unit for fire service. An additional unit will allow us to not only cover our city and assigned county district, but be able to assist with more mutual aid calls. Morones ABS shop is giving us free labor to paint the Humvee and we are using a donation to buy the paint. Humvee is already being worked on to have unit in service soon. We are going to Receive a 5,000 grant from ESD which will be used to buy a thermal Imaging the one we currently have is over 15 years old and is no longer functioning, this equipment will allow us to find the heat source in structure fires, can help find people who have been ejected from vehicle or body recovery. We have 16 of 23 Active Fire Fighters. Priority items needed are bee suits, safety vests will be ordered as well as traffic cones. Work order has been submitted for new hydrant installation and is in progress. **Chief Victor Nieves:** We are working with the city to use urban county funds to buy a much need gear for the fire department gear has reached or passed its usable date. Also I would like to introduce a stipend program a first of its kind in the Edcouch Volunteer Fire Dept. Our firefighters get paid nothing and do everything out of the kindness of there hearts. This program will allow them to get something back for the gas they use to come to calls, the cloth they damage while at calls. This will also motivate our firefighters to attend more calls and promote new firefighters to join the department. This has worked very well with the Elsa VFD and Edinburg PD. We would also like to start a dorm program here at the fire station, for any single or volunteer. This program has worked really well for the Edinburg FD. This will be an exchange of service for free housing. This will allow us to have faster response time to any emergency right now our average response time is about 10 or more minutes. A dorm program will cut the response time to more than half allowing us to save life and property. The units will also be better maintained. We will also like to provide citizens with with a department open house as well as a meal and tour of the station and our trucks. I would also like to create a web page to better promote the fire department. **Mayor** I will connect you and Manny with the American Red Cross. **Chief:** Also we got to cut up some cars for training and the guys were very excited. Okay any other questions? **Comm Flores:** Thank you for presentation.

8. City Managers Report

Mr. De La Cruz: No documentation, but I would like to discuss upcoming project for streets, and I will have Mr. Eddie Saenz to help me out. One important project is the overlay of the streets. It has been a while working with Urban County to get here and the County has already had a meeting. CSJ will be working on that particular project. **Mayor:** What is the estimated completion of time on that project? Mr. Saenz please step forward. **Engineer Eddie Saenz :** Happy New Year, yes they have it on the agenda for this Tuesday in which CSJ should get approved. Once it does we should be able to go out for bids by the end of February and you should see construction by the April and May time. **Mayor:** April, May, Ok. How many streets in total were approved? **Saenz:** There was around 13 or 14. **Mayor:** Ok, but this is a sure thing right? **Saenz:** Yes it has already been approved. **Mr. De La Cruz:** We will be going through it and notifying the public once we have all the dates together. There are preparations we need to do, such as doing the water tabs before the overlays. **Saenz:** Tie down manholes because of overlays as well. **Mayor:** Also notify residents that overlays are coming up. How many hours does it take for an overlay to be done and dried as well. **Saenz:** Within that same day. Just to let them know that there will be overlays a day before. **Mayor:** Ok thank you. **Mr. De La Cruz:** Other project that we have been talking about is our community center. Specifically we would like to bring up there will be some important meetings. I will recommend a special meeting for the community center parking lot. It will be done by Pct. 1. Eddie has already been speaking to them and we are going to have to demolish it and that will be on the city's ticket. We are probably going to have to set up a meeting. And the other project is the Community Center itself. If you have any questions on that one Eddie can answer that one. We are going to be talking about that as we go along. **Mayor:** Are we still on target for the July completion? **Saenz:** That is what we are shooting for. Its a lot faster to do the community center first, so it will be like 2 to 3 weeks before we go out for bids on that one. **Mr De La Cruz:** That's all I Have. Thank you.

HH. Discussion and possible action Agua Metric Sensus/Flexnet Service and Maintenance Contract.

Mr. De La Cruz: A few weeks ago we had a meeting with Aqua Metrics, this is maintenance contract we pay on an yearly basis. And there is some questions so there is a representative here to make a presentation. **Justin Hamilton Aqua Metric:** Good Evening Mayor and Council my name is Justin Hamilton we are responsible for sporting the existing Census AMI system. The city currently has what we call a Meter Data Management System, it takes all those meter readings in, cleanses the data reading in and transfers it so the city can bill the customer. To our understanding the city is looking to changing billing providers? As far as the company who gets the bills out to you. As a part of that, we would reintegrate software the Meter Data Management System can send the meter data to the new provider. It is our recommendation that it is the perfect time to upgrade the software that you currently have, the version you have is 3 4 or 5 years old. Like the City Manager said we were able to work with census and the fees you have now are virtually the same as with the existing software, so there is no major increase in costs on annual fixes. We would have to integrate so its our recommendation that we would rather integrate to the latest version of software of the program so we are not entering software that we would come back and is 5,6, 7 years old. So while you are going with a new billing provider it is our recommendation to upgrade your software as well. **Mayor:** The hardware that we have, will it support the latest software? **Hugo De La Cruz:** I believe it will, but what I recommend just for tonight for you all to table this item. Our city

engineer will look into this, he is very knowledgeable with this particular software because he actually works at a different location that uses it. **Mayor:** But we are ok for now right? **Justin Hamilton:** Yes everything is good now, so when you are ready the process should be pretty simple. **Mr. De La Cruz:** I do want to say this, since I have been here, aquametric is not 100 %. Maybe right now its about 80%. Before we get started I would like to discuss this with them. **Mayor:** For training purposes I think it is a good idea.

A motion to Table this item Agua Metric Sensus/Flexnet Service and Maintenance Contract was made Alderman: Chapa . by Alderman: Cabrera . All Voted Aye. Motion Carried.

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II. Discussion and possible action on Status of Adcomp System for Courts.

Mansur: Thank you for having us, it has been a pleasure working with the city, especially with Mr. Hugo who has been working with us really well. We are doing a lot of different things for the city. I ll start with courts. We are happy to announce that courts has gone live with our software, we are starting to put everything together, the date is in there, a couple of items that Manny already mentioned, Scofflaw is already working, our software citation smart, which sadly enough when people are having there coffee in the morning they will get a nice little text which says they got a ticket and they can see it on there phone and they can pay it on there phone. They can handle it there but even if they don't handle it over they phone, it serves as a reminder, and then the revenue starts flowing in faster. January 1st, we have sent out 227 reminders that have been delivered to cell phones, which totals in the amount of 67,000 dollars. A lot of this might be data that was already in the system. You will see your revenue going up as time progresses. We send reminders to kind of not get into a warrant status. So the court is already working and also the other items we are working on are the utilities. So if there is no other questions about courts, I may proceed. **Mayor:** For this one its just information, or are we approving something? **De La Cruz:** On this particular item, there is really nothing to approve. **Mayor:** Okay . **Mansur:** I would like to introduce our new product, called tickets on the go. I know your police department writes manual tickets right now, so when you right a manual ticket you have to bring it back to the office. And you have to manually put it into the system. We have a flyer for that, what ticket on the go allows them to write a ticket through there cell phone. The only item you might want to add is a printer, printer will be connect to your phone through Bluetooth. Tickets on the go is very punctual. It will help and sounds wrong, but write more tickets. The best part is that ticket gets instantly transmitted into system. So that is another system that we will recommend u all. It does not cost you anything to start and you just pay as you go and you can add fee as a court cost. **De La Cruz:** Yes court cost includes a technology fee. **Mansur:** So yeah that is pretty much it. **Chief Quintana:** Counsel may I ask a question? **Mayor:** Yes. **Chief Quintana:** The Phones our devices, are they going to be subject to public records? **Mansur:** Yes you will probably use city owned phones. **Audience:** What about security, only because you are taking each defendants identity. nowadays the phones are hacked. We are a small city so do you have the software to stop that from happening. **Mansur:**

We work for 250 cities across the country and we follow all the security rules that we have to follow, so everything will be encrypted and protected security wise, so there should not be any problems with that, we have to follow those procedures. **Mayor:** Thank you. Any other questions from the audience. Ok, Thank you.

A motion for No Action__ on the Status of Adcomp System for the Courts was made by Alderman: _____ . by Alderman: _____ . All Voted Aye. Motion Carried.

JJ. Discussion and possible action on status for Adcomp Systems for water.

Mr. De La Cruz: This is just for Discussion. **Mansur:** My Assistant Jesus has been working very closely with the city at every capacity that is needed. Our utility billing software is almost there. In the last 15 days we are trying to get the last generation going. We had a few discrepancies, that is typical. It happens. A couple of months we run a bill and compare balance with your existing software. We need to make sure bill is done correctly and bill is accurate and we found there was some exclusions. So hopefully this Feb 1st we could have a really good generation and go live. We have already been moving all the data and have kind of already trained your staff on how to use it. We are ready with all the payment functions, such as web payment. So as soon as the new generation is ready at the beginning of February, we will go ahead and unleash it. **De La Cruz:** One of the things Mayor I wanted to bring up so Mr. Mansur can also elaborate on, cause you will be getting some calls, because we will be adding fees for taking payments online. There is going to be a cost so I wanted to let Mansur explain. **Mansur:** So Ok, if anybody shows up to pay here at the window there is no cost. There will be no credit card fees for somebody who shows up at the window. But if they are paying online, there is a fee for the convenience of it. We have decided that the credit card fees itself, will be passed on to the consumer, and if they don't want to incur that fee, they can come in in person to pay. So the fee is typically 3.50 for the first 100 dollars and 1.50 after that. That covers your credit card fee, because credit card fees range anywhere from 2.5 to 3 percent per 100.00. Yeah it depends on how much you are paying. 51:00

So the people that are paying more than 100 it's a good thing for them because they're paying less. But the tiered fee kind of know the fee without having to calculate. **Mayor:** and this fee if I use credit or debt it'll charge me? And if I use my checking it wont charge me? **Mansur:** Right, I'm not sure if we have e-check function over here but we can add that if that is what you are looking for. So there is a small fee but it will cost you like forty cents a e-check. E-check is typically cheaper, it doesn't matter what the dollar amount is, it's a fixed amount. We can add that option. We haven't enabled that yet, but we can. **Pamela:** We do have a lot of customers asking about automatic withdraw, since a lot are mobile. **Mansur:** Actually, that feature is already available. Auto pay. They also have a feature called utility express which I know I've talked about before. Which is the same thing like the citation smart, which is text messaging. So we text message and remind about the payments that are owed. So, we have that and then we have E-billing, where we send bills by email. **Mayor:** actually, I want to ask miss polanos, what do you use to come pay your water? **Audience:** Honestly, the cheaper one, the e-check. 40 cents, 3.50. or come in person. **Mayor:** we'll look at different options, to see what we can do. Those are the things we have to look at, the auto pay, the check. **Flores:** the auto pay, there's a lot of auto pays that don't charge. **mayor:** yeah, it depends, somebody has to pay the fee. **Hugo:** were absorbing the fees already when they come and pay here. **Mayor:** there's a fee regardless. Weather they come in person or not. **Audience:** I have been charged by a fee by the city, because I've called and been told your bill is X amount of dollars. Plus, the fee for the credit card. **Mayor:** Yeah, I've been paying the fee too. **Nancy:** We haven't had a surcharge fee since august. **Audience:** I don't know but I know I've been told your amount is

this, plus this much so you'll see you paying this amount. **Mayor:** we'll look into all the different options and different scenarios. Every family is different. **Mansur:** Yes, everybody is different, and like I said we work with 250 cities all over the country. We try to design the system so that everybody is happy. **Mayor:** How many cities in the valley are you currently working with? **Mansur:** We're working with the Brownsville municipal court; we collect all of their payments for them. The way the world moves, people don't mind paying for convenience. If you ask a guy like me, if I get a text message on my phone and in 2 clicks, I can pay my bill that's better than my water getting disconnected because I wanted to save 3 dollars. But that's just me, not everybody is the same way. **Mayor:** We'll pay for convenience but, not a lot. **Mansur:** as long as it's reasonable, right? **Hugo:** like Mansur is saying, those are the credit card fees. Back in august we felt that if the person is making an effort to come out here in person then why are we going to charge them. I think for convenience, if you want convenience. **Mansur:** especially for the courthouse, there's a lot of people that have good intentions and want to pay but, life gets in the way and they forget. And it just keeps getting worse, after you keep forgetting. But anyways, we appreciate and thank you for the opportunity to work with you'll. We try our best to make everybody happy and the city, let me know if were doing a good job. Mayor: thank you, thank you for stopping by. 56:45

KK. Discussion and possible action on appointment of Emergency Management Coordinator

Hugo: This item is to assign someone to be apart of the emergency management. 57:00 and at this point would recommend that you all would consider Mr. Manny Hernandez, he already attended some of the meetings. **Mayor:** We have motion by commissioner Chapa, and second by commissioner Cabrera all in favor by saying I, Motion carries.

A motion to _____ on the Status of Adcomp System for the water was made by Alderman: _____ . by Alderman: _____ . All Voted Aye. Motion Carried.

LL. Discussion and possible action on advertising on RFQ/RFP for Parks & Wildlife Project.

Hugo: Mayor, this item, there will be no action.

A motion to appoint Manuel Hernandez Jr. as the new Emergency Management Coordinator was made Alderman: _____ . by Alderman: _____ . All Voted Aye. Motion Carried.

MM. Discussion and possible action on ranking criteria for competitive sealed Proposals for the Community Center Project.

Hugo: Mayor, I would like to bring up the city engineer. **Eddie:** As we mentioned, we are almost ready to go out for bids on the community center, it will be in the next several weeks. We're asking for permission from the city to allow us to advertise for bids, sealed proposals for the construction of the community center. So were asking for permission. We will work with the city to get the word in the paper and receive those bids. We are looking at around 2-3 weeks. **Mayor:** With this process can we do negotiations afterwards once we have the bids? **Eddie:** proposals allows us to do that, and that can be discussed in the next item. **Mayor:** Motion by commissioner Chapa, second by commissioner Cabrera, all in favor by saying I, motion carried.

A motion to _____ the advertising for RFQ/RFP for the Parks & Wildlife Project was made by Alderman: _____. by Alderman: _____. All Voted Aye. Motion Carried.

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NN.Discussion and possible action on ranking criteria for competitive Sealed Proposals for the Community Center Project.

59:10 Eddie: What we are passing around is basically the percentages for the ranking criteria that we will use to select a contractor and competitive sealed proposal is based on a hard bid. In other words, somebody can bid so low and does not have the experience, so you want to be able to incorporate some other qualifications. In the experience, you look at the company in itself, how long its been in business, the superintendent that will be on the job. We look at also past performance, references, quality of work. **Mayor:** Which one are you recommending? **Eddie:** Im kind of looking at the middle. Where it's a 50/30 whereas we would look at 50% for the price, 30% for experience and then the past performance and the financial strength 10&10. And then when we take this and we rank them and look at them and we see how close they come but we also look at what the final number will be disclosed and basically if they are so close within percentage points, number 2 or number 3 is a better qualified contractor we will allow to get negotiations, we can get a committee like myself, city manager, maybe a commissioner and we can see where they can meet that price. 1:00 36. **Mayor:** so, option 2 would be the one you would recommend based on your experience? **Hugo:** let me just add that if all this, the ranking and the sealed bids is what were following the parks and wild life the moa which referred us over to the government code and following these..... **Mayor:** If we were to go with option 2, it fits within the guidelines with the process Texas parks and wild life. **Eddie:** that is correct mayor, yes. We had already done our network on that and researched it. And so, this allows us and gives the city a little bit more control on the project. So, this is recommended. **Mayor:** alright, so we have a recommendation from our city engineer for option2. Motion by commissioner Chapa, second by commissioner Cabrera. All in favor by saying I. **Audience:** can I ask a question? Once the bids are open will they be available to the public? **Flores:** Everything should be. **Audience:** Do I need to request the information? **Flores:** I think you'll will post it in the newspaper and everything right? **Eddie:** well we will post it for the advertisement, the bids aren't open to the public until they are presented. **Audience:** sorry I worked 10 years in construction, so I understand. Are the plans and specs available? **Mayor:** we will be having workshops as well. So, Option 2.

A motion to _____ the advertising for competitive Sealed Proposals for the Community Center Project was made by Alderman: _____. by Alderman: _____. All Voted Aye. Motion Carried.

OO.Discussion and possible action on selection of Edcouch Fire Chief.

Hugo: mayor this item was actually brought to me, I put this on the agenda to see if the commission desired this time to go with a fire chief. **Flores:** right now your interim right? **Victor:** yes. **Flores:** so why don't we just go ahead and motion this. Table this, and looking more into what we got to do to bring an actual fire chief, and see if maybe we can have victor. **Hugo:** what mayor pro-temp means, on actual is the certification. What some of the community members have called in and asked if we have certified, and the certification to my

understanding. 1:03:47 I talked to the Edinburg fire chief, he said that it takes time. You have to be apart of the volunteer fire department for like a year, and then take some classes, and as you go you progress until you've reached that certification. Hugo: So if mayor pro-temp is saying that we actually want somebody that does have these credentials. Flores: You are certified and everything, Victor? **Victor:** I have my fire 1 and fire 2. **Flores:** ok, good enough. **Mayor:** Table the item. Motion by commissioner Cabrera, second by commissioner Chapa. All in favor say I. Motion carries.

A motion to _____ on the ranking criteria for the Competitive Sealed Proposals for the Community Center Project was made by Alderman: _____ . by Alderman: _____ . All Voted Aye. Motion Carried.

PP. Discussion and Possible Action on updating vicious dog Ordinance, Ordinance No. 88-23

1:04:46 Hugo: Mayor, this item, you actually called me about this, and this is an issue that's not just the vicious dogs, but dogs. We've been doing a really good job at actually catching them and taking dogs that are loose. And you bring the vicious dog item, I think it's important to maybe even start looking at other ordinances once a month and look at some of the other ordinances because some of these are kind of old. And going, I don't know if some of the council has already gone through it, I know there's a lot of question, and we've had issues when people come in once we've already picked up a dog. If the dog doesn't have the proper leash, credentials. That is a loose dog. And if we get calls, according to the ordinance, if we get calls from the community, we get up to 2 calls, and they're saying that the dogs are vicious. We have had people come in and argue that point and at the end of the day we are following the ordinance. You are bringing it up I think it was important for council, for you all to take a look at it and see if there is any changes. Because we can change, make the changes and then bring it back as a resolution so that we can update the ordinance. **OJ:** The other thing we could do also is invite the public, if the public wants to come in and give a little information on what they would like to see done. Because this ordinance is very strong, as the city manager said if you get 2 complaints from the citizen at large that this particular dog is either running a muck or is vicious the city has an obligation to go pick it up, and that's without the fact that if the dog bites somebody. If the dog bites somebody you don't need anybody calling in, they automatically come in. If it's a vicious do the city has to maintain it for ten days before it gets euthanized. Which is a little different, than the license it requires. Because there's also an ordinance section here that talks about the license. So if the dog doesn't have the credentials that Mr.De La Cruz mentioned then the city has to maintain it for three days, and try to do reasonable effort to locate the dog. So if it's a vicious dog its ten days if it's a normal dog that doesn't have a leash, doesn't have the collar, doesn't have the licensing as the ordinance calls it, only three days and then we euthanize it. Each day that a citizen is in violation then its up to a 500\$ fine for up to each day. It's a minimum of 25\$ and up to 500\$ so that's actually a class C misdemeanor for each offense. So that individual is going to come up before the municipal judge, and then the municipal judge can fine them up to \$500 for each violation. 1:07:41 So this ordinance is actually very, very strong. But its always good to have the public, to have the council look at it with a new pair of eyes and see if there's anything else we need to change, amend or alter. **Mayor:** We have 2 things going on, we have residential animal lovers, but then I have the other residents who is afraid, can't go out because those dogs get loose. They are wandering around. Some of these dogs don't even bark, they go straight at you. I've been getting constant complaints, regardless. We have to find a way to... **Flores:** There's also a lot of people, and I understand that they feed the dogs, and the dogs are out on the street. They tend to feed them and feel like well that's our dog, but then again going back on the ordinance if you want to be responsible for a dog you have to fix it up, tie it up, because there's neighbors, there's kids. And we are the ones getting the calls and we're going out there. We pick them up, and then they come in and complain saying that's my dog, but again. How do we do it so that citizens are able to see what the ordinances are and so that they are knowing that

we're going to start following the ordinances. **Hugo:** Well we have social media and we have the website and that's always a way for us to get out and put this type of information out to the community. I think the mayor and myself have had this conversation before, and I think that when we talk about vicious dogs, we are talking about certain breeds of dogs. And there's issues with that also, because there's organizations that protect those type of dogs. And so, it's a really touchy subject. I actually had a phone call from channel 23, they were going to write a story. I had to send the information and kind of control the situation. They saw the issue that we have. We have an abandoned home with about 10 dogs living in the abandoned home, and so there is an issue. We are dealing with it on a daily basis. **Mayor:** So as it as it stands now, 2 complaints from a resident regarding an individual dog these guys can pick up? **OJ:** The ordinance stipulates that once the 2 individuals complain that this sets the motion that the investigator from the police has to determine its viciousness. So if somebody is complaining that the neighbors dog is a chihuahua is barking, well the investigator is going to go over and determine its viciousness, ability or character. 1:10:33 and if that determination is made that, that dog is vicious then the ordinance allows for us to pick up the dog, hold it for ten days, make some arrangements with the owner. If nothing is done within ten days **Mayor:** so then if its set in motion, its determined by the officer or investigator that, that dog poses a threat. They can pick it up even if the owner is rejecting. **OJ:** absolutely. And that's section 7B1, and again this is very specific. The chief or the officer that makes that determination can do it irresistibly over the owners wishes. **Mayor:** and then if the owner is resisting that can lead to other issues. **Flores:** How are the dogs in your neighborhood if you don't mind me asking? **Audience:** They're okay, honestly my neighbor in the front has a German shepherd he keeps leashed. Mine is a shepherd mix, lives inside the house and goes outside to pee. The neighbor in front also has a blue healer, and he's peaceful. He's loose but he's peaceful. I've never had any problems. **Flores:** Leash, collar everything? **Everybody is good?** **Audience:** From what I can see yes, mine is chipped. I actually adopted her from pals. She's an old lady, she is a sweet dog. **Flores:** Well help us out, it seems like your very active in the community. So, if you can just spread the word to all the people that do have dogs. 1:12:11 and let them know that, you go an extra mile, then we expect everybody else to do that. **Audience:** My neighborhood actually has a lot of dogs that are actually free ranging, I've actually called because not only can I not walk down the street, but if I want to go running, they'll literally come at you and bark. So, I can't go outside my house, but also, they've actually come inside of my house and have started attacking our animals. **Flores:** Where is that at? **Audience:** 17 ½ like 3 mins away **Flores:** 17 ½ that's a little bit off our jurisdiction, that's county. Anything past mile 17, that's county. Sorry about that. **Hugo:** but we can still guide you and see what we can do. **Mayor:** but the complaints I've been getting has been regarding a specific breed. Pit bulls to be exact. They're tied, and their sort of trained to be a certain way. And once they are loose, they're loose, and their animals. **Audience:** They have bad owners, because my mom had a ton of pit bulls, she had like 5 pit bulls, my daughters grew up around them, those things were the sweetest things. But again, they are raised a certain way. So its bad owners. **Mayor:** yeah that's the argument. **Hugo:** I think if we educate the community, I was going to recommend that with the fire department and PD, see if we can find a way to get the county involved so that we can do a clinic, and maybe do rabies shots and all of that. And actually, talk about this and train the community. **Mayor:** I know in general, I think it will be receptive. I know we have at least four houses, specifically who own this type of dog, that we've been having constant issues with. **Hugo:** And this is why it's important to bring the ordinances up, and I don't know if council can do a little research on this. There's been a lot of certain breeds of dogs. **OJ:** you couldn't single out a certain breed of dog, if that's what your thinking about. Because the problem is not the breed, it's the owner. And so the owner doesn't care, so why should the city care. If the dog is vicious, we germ it to be vicious. And it doesn't really matter, whether we are going to target that specific breed. **Hugo:** The thing is that I think that there is a certain responsibility. Because there is a lot of people that do train dogs to protect their homes, and so if they train their dogs to protect. They are training dogs to protect their homes. What I think the mayor is saying is, these dogs that are trained to be vicious, if somebody crosses the fence or whatever their going

to attack. What happens is when they get out. When they get out there's no control. I think there is a certain responsibility that relies on the owners, if their going to have these types of dogs that are trained to serve and protect. There has to be a certain responsibility. **OJ:** There is, but the responsibility is already here. Your making the owner responsible by fining them up to \$500 a day and destroying that dog. **Mayor:** maybe we can start with the first part, fining. We got the complaints. And I've seen it in different types of dogs. Like the lady was saying, growing up there were different, not necessarily pit bulls any mut, that would run after us and actually tear your pant when you were riding the bike. And we unfortunately experienced some of that. But now we have this type of dog and that type of scenario. So, both are equally dangerous. All we are trying to do is protect our citizens. If you want to have a dog, follow the rules, but if your are not and our community is in danger something has to be done. The ordinance is a strict one, it hasn't been enforced for whatever reason. Now we need to turn around and start enforcing this. We need to make the changes. **OJ:** I looked at it and I pondered on it, and I don't know how much stricter you would want, other than what the mayor said, enforce it. You have a great ordinance here. Which is the cities constitution, you have great groundwork. You just have to have the enforcement available, so that way you can enforce is across the board whether it's a mut or any other vicious. **Mayor:** So, I guess we can do it simultaneously, to where we are enforcing and informing the public as well. To make sure your dogs are properly secured and taken care of if not this is going to happen. But we have to do something. **Audience:** Who is going to do the enforcing? I understand the police officers, is there a holding place where your going to keep them? Because you don't want the animal activist coming. **Mayor:** we have a facility we rent out in Weslaco. **Flores:** The city employees go, we have a team of employees that go sets a trap, the trap gets picked up. **Mayor:** Its not going to be a trap, its going to be we're going to go and pick it up. **Flores:** Take it away from you? **Mayor:** if it gets to that point. **Hugo:** Loose dogs, if they do not have th licensing, they are going to get picked up. **Flores:** With traps? **Manny:** Today we were with the health department at Casa Messina because there was a problem and I went out there. County came out here and county said that the best way is to get the dog is to put a trap. **Flores:** You said that today they were shooting the darts at them? **Manny:** Today they had to shoot one. **Flores:** And it was put to sleep? **Manny:** They shot it, and it still ran maybe 2 more miles. **Hugo:** He fell, and he took off running, he kept on. They followed him all the way to HEB. So, he survived, he's out there. He's in Elsa now. But that was a cattle dog. Beautiful, nice looking dog. He didn't look vicious at all. He was protecting some pups, from what we noticed in the morning. **OJ:** There's a specific paragraph here that says, if the mother has pups then the owner has three months to sell those pups. Because you can only have up to 3 dogs, or 3 cats in every residence. The problem is you have pups and then they start meandering through the city, and then pretty soon somebody has a big heart and starts feeding them. So those are without a leash, those you only have to maintain them for 3days. **Hugo:** just brought up something important, there's up to 3. Because I know there's homes that have a lot more than 3 dogs. **OJ:** It's paragraph 5, limitations on the number of cats/ dogs. So 3cats, 3dogs or a combination for both. **Hugo:** I can tell you right now, there's a bunch of people out there that have more than 3 dogs. **Mayor:** So those might be the things we need to educate or revisit as far as the ordinance is concerned. But the safety shouldn't be compromised. I guess its going to start falling on chief when these complaints are coming in. Your going to have to make the determination, if something is going on and what area to enforce, because the last thing we want is for somebody to get bit. **Adcomp:** 1:20:58 I have a suggestion, we do e-broadcasting, whenever you need something done like that done, texts, e-mail. If there are reports coming out, to actually notify the public that these are the instances so that they can see you are really enforcing it. **Flores:** Do we have any free trials? **Adcomp:** yes **Audience:** I was just actually going to suggest. The water bill, everybody gets the water bill. They'll put a notification on there. I know right now they are talking about going live w that digital stuff. Because everybody is going to get that water bill. The ordinance and the city states this, and this, you've been notified. **Mayor:** thank you for the suggestions. Any other questions?

**A motion to appoint_____ as new Edcouch Fire Chief was made by Alderman _____
And seconded by Alderman _____. All voted Aye. Motion Carried.**

QQ. Discussion and Possible Action on Livestock Ordinance, animals over 1,000 lbs., Ord #88-04

Mayor: Animals over a thousand pounds. **Hugo:** This is another animal ordinance. We do have people that have some livestock animals, poultry and other animals. It talks about it here. I will tell you that there are some people that have, for instance livestock is define and they have the definition. They have hogs, I know we did have a call from a person that had a pot belly pig, and that pig thinks it's a dog. It's there, it just lays there it doesn't do anything to anybody, and there was a complaint, we went out there. We kind of just let it be, I mean we're not going to take a pet away from a kid, right? So, this is an ordinance that I think we need to revisit and take a look at it. **Mayor:** I think I heard awhile back that there was some pigs in your neighborhood. **Audience:** in my neighborhood? **No, I've never seen that.** **Mayor:** it was like a project or for FFA, that type of thing. So, the family had it there. **Audience:** I can tell you that, we are not allowed to have livestock animals. Technically we cant even have chickens, and I know some of my neighbors have chickens. And there's no problem at least on my end. But we are allowed to have 2 of each kind of animal. We can have 2 cats or 2 dogs, but the city limits us from 3. **Mayor:** so, you all have some type of ordinance? **Audience:** No, but they were part of the bio law star, the stuff that we agreed to, the warranty deeds. We also can't have fences in the front. It was something about building a community. It came in 3 phases. It was the first set of the houses, and then I came in the second set. We weren't as many, so our houses were getting broken into. Because my father in law, that's when he got his alarm. And then the third round. It was always one of those things, where our houses were getting broken. **Mayor:** thank you mam, any other comments on the livestock? **Hugo:** We know there are quite a few, and we are enforcing it already. We are taking care of that. I have already sent chief out there and he's already contacted some people. **OJ:** This one unfortunately, there's a section here that talks about not to be kept in residential district but it does say as provided section 8. If I can look at that quickly. This one is a little bit more interesting because of the sensitivity of the pot belly as a pet and some other animals but it's also as equally as strong as the other one. We need to enforce this one, so then we'd need to enforce all of them. **Mayor:** This complaint will be just for the existence of the animal? **OJ:** There is a classification on poultry, and livestock. There's a paragraph here, paragraph 3. It says, no poultry or livestock is allowed in commercial or business districts, and that's absolute. But on the next paragraph it talks about it's not allowed in residential districts. Except as provided, in section 8, but we don't have section 8 to see what that **Mayor:** well we will have to revisit that one, is there any other ordinances that you guys want to look at? Next time get the one for abandoned vehicles. **OJ:** One time we spoke about the weedy lots ordinance, that one is really good too but there are some subparagraphs that I have seen other jurisdictions look at and maybe we can... **Mayor:** Might as well because we are going to start getting into the rainy season. **Hugo:** Could I recommend maybe doing this in a different setting, like a workshop. **Mayor:** But in a way that we can vote too. **OJ:** I think that the pros of a workshop, we can look at all the ordinances and then and say ok, lets see how this is going to effect the people. And then, we put in the city council and invite the people. But at least we are prepared, we've already talked about that angle and this is our reasons as to why we want to do this, as a suggestion. **Mayor:** I like that, so let's come up with a date so we can do a workshop. Review the ordinances that we've been getting the most complaints about. **Council:** How about the abandoned houses? **Hugo:** Definitely, we are working on that one. I think this workshop will kind of shed light and we can talk about these things, in a different

setting and that will give us time to get everything together. Like oj is saying, and we can bring in the community, get their ideas.

A motion to update _____ vicious dog ordinance was made by Alderman: _____ by Alderman: _____. All Voted Aye. Motion Carried.

RR. Discussion and Possible Action on ongoing litigation issues with Blue Lion.

A motion to update _____ Livestock Ordinance, animals over 1,000 lbs., Ord #88-04

SS. Discussion and Possible Action on Ongoing litigation with Mrs. Alicia Segura.

A motion to discuss Items R. S. T. U. V. W. under Executive Session due to ongoing litigation was made by Alderman: _____ by Alderman: _____. All Voted Aye. Motion Carried.

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TT. Discussion and possible action on ongoing litigation with Mrs. Alicia Segura.

Same Action as per Item P.

UU. Discussion and possible action on ongoing litigation issued with Mr. Jose “Calin” Guzman.

Same Action as per Item P.

VV. Discussion and possible action on ongoing litigation with Fulcrum Consulting Services.

Same Action as per Item P.

WW. Discussion and possible action on ongoing litigation issues with Mr. Javier Villalobos.

Same Action as per Item P.

XX. Discussion and possible action on letter from TMPA.

Same Action as per Item P.

YY. 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:

- 4. Litigation - Blue Lion**
- 5. Litigation - Alicia Segura**

6. **Litigation - Jose "Calin" Guzman**
7. **Litigation - Fulcrum Consulting Services**
8. **Litigation - Javier Villa lobos**
9. **Litigation – Letter From TMPA**

ZZ. 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 - Blue Lion**
2. **Litigation - Alicia Segura**
3. **Litigation - Jose "Calin" Guzman**
4. **Litigation - Fulcrum Consulting Services**
5. **Litigation - Javier Villa lobos**
6. **Litigation - Letter From TMPA**

Mayor Gonzalez - It is now __:__ and we are now back into Open Session.

Mayor Gonzalez - Item S. 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.

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Chapter 551, Section 551.071: Consultation with City Attorney.

1. Litigation - Blue Lions Property

Mr. Jimenez - Mayor,

Mayor: Gonzalez - As per recommendation from Counsel, I need a motion?

Motion to _____ with Item 1. Litigation - Blue Lions Property was made by **Alderman:** _____, 2nd by **Alderman:** _____. **All Voted Aye. Motion Carried.**

2. Litigation - Mrs. Segura

Mr. Jimenez - Mayor,

Mayor: Gonzalez - As per recommendation from Counsel, I need a motion.

Motion to _____ with Item 2. Litigation - Mrs. Alicia Segura was made by **Alderman:** _____, 2nd by **Alderman:** _____. **All Voted Aye. Motion Carried.**

3. Litigation - Jose "Calin" Guzman

Mr. Jimenez - Mayor,

Mayor: Gonzalez - We have the recommendation from Counsel, I need a motion.

Motion to _____ with Item 3. Litigation - Jose "Calin Guzman was made by **Alderman:** _____, 2nd by **Alderman:** _____. **All Voted Aye. Motion Carried.**

4. Litigation - Fulcrum Consulting Services

Mr. Jimenez - Mayor,

Mayor: Gonzalez - As per recommendation from Counsel, I need a motion.

Motion to _____ with Item 2. Litigation - Fulcrum Consulting Services was made by **Alderman:** _____, 2nd by **Alderman:** _____. **All Voted Aye. Motion Carried.**

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5. Litigation - Javier Villalobos

Mr. Jimenez - Mayor,

Mayor: Gonzalez - As per recommendation from Counsel, I need a motion.

Motion to _____ with Item 2. Litigation - Mr. Javier Villalobos was made by **Alderman:** _____, 2nd by **Alderman:** _____. **All Voted Aye. Motion**

6. Litigation - Letter from TMPA

Mr. Jimenez - Mayor,

Mayor: Gonzalez - As per recommendation from Counsel, I need a motion.

Motion to _____ with Item 2. Litigation - Letter From TMPA was made by **Alderman:** _____, 2nd by **Alderman:** _____. **All Voted Aye. Motion**

AAA.Adjournment.

At **6:___** pm, a motion to **adjourn** was made by **Alderman: _____**, 2nd by **Alderman: _____**. All Voted Aye. Motion Carried.

Take Notice that this are the true and correct minutes taken of the Regular Meeting of the City of Edcouch held on Thursday, January 16, 2020.

Passed and Approved by the Board of Aldermen on this ___th day of _____ **2020**.

ATTEST

Manuel Hernandez
City of Edcouch