



Regular Meeting
08/20/2020 6:00
pm

REGULAR MEETING

A MEETING OF THE CITY OF EDCOUCH WILL BE HELD BY
TELECONFERENCE/VIDEOCONFERENCE VIA ZOOM : 1-800-000-0000 ACCESS CODE:
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ON THURSDAY, Aug 20, 2020
COMMENCING AT 6:00 P.M.

THIS CITY OF EDCOUCH MEETING WILL BE HELD USING TELE CONFERENCE
SYSTEM/VIDEO CONFERENCING VIA ZOOM AND IS AUTHORIZED BY THE GOVERNOR
GREG ABBOT'S TEMPORARY SUSPENSION OF CERTAIN ASPECTS OF TEXAS OPEN
MEETINGS ACT WHICH ALLOWS FOR A GOVERNING BODY TO HOLD A "VIRTUAL"
MEETING SO AS TO AVOID GATHERING MEMBERS OF THE PUBLIC AND/ OR BOARD
MEMBERS, AND STAFF IN A PHYSICAL SETTING THAT MIGHT CONSTITUTE A PUBLIC
HEALTH RISK.

PUBLIC COMMENTS WILL ONLY BE ACCEPTED IN WRITING NO LATER THAN THIRTY
(30) MINTUES IN ADVANCE OF THE MEETING BY THEM TO MANNY HERNANDEZ AT
mannyhernandez@cityofedcouch.org. In the body of the email please include date, your name, your
address, phone number, agenda item # if applicable of subject of discussion, and your comments.
DISCUSSION AND POSSIBLE ACTION ON THE FOLLOWING MATTERS:

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 July 30 , 2020
- G. Discussion and Possible Action to approve Interlocal Agreement for the 2020-2021 Urban County Program fiscal year
- H. Discussion and possible action to approve and see if the proposed tax rate will exceed the rollback rate or the effective tax rate
- I. Discussion and Possible Action to approve City of Edcouch Purchasing Manual 2020
- J. Discussion and Possible Action to approve City of Edcouch Handbook 2020
- K. Discussion on Employee Job Description

**L. Discussion and Possible Action to award contract for 2015, 2018, 2019 Flooding Events
CDBG MIT administration and management services**

**M. Discussion and Possible Action to award contract for 2015, 2018, 2019 Flooding Events
CDBG MIT engineering and architectural services.**

N. 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 17th day of Aug 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 17^h DAY OF August 2020.

Victor H. De La Cruz
City Manager



**MINUTES
REGULAR MEETING
CITY OF EDCOUCH**

211 W. SOUTHERN AVE., EDCOUCH, TEXAS
THURSDAY, August 20, 2020
COMMENCING AT 6:00 P.M.

AGENDA

- O. Call Meeting to Order** Meeting was called to Order by **Mayor Gonzalez at 6:00 p.m.**
- P. Roll Call** Roll call was called by **Mr. Manuel Hernandez Jr** 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	<u> X </u>	<u> </u>	Manuel Hernandez Jr., Fin./Grants
Alderman: Joel Segura	<u> </u>	<u> X </u>	Chief: J. Quintana
Alderman: John Chapa	<u> X </u>	<u> </u>	
Alderman: Robert Gutierrez	<u> X </u>	<u> </u>	
Alderman: Lorenzo Cabrera	<u> X </u>	<u> </u>	
City Attorney: Orlando Jimenez			

Mayor, we have a quorum.

- Q. Pledge of Allegiance** Pledge of Allegiance was led by Manny Hernandez
- R. Invocation** Invocation was led by Victor H De La Cruz
- S. Public Comments** No public comments
- T. Discussion and possible action on approval of Minutes:**

- 1. Regular Meeting Minutes of July 30, 2020. Mr. De La Cruz:** Minutes are on your package if you have any questions.

A motion to approve the Regular Meeting Minutes of July 30, 2020 was made by Alderman_Chapa_____ , 2nd by Alderman Gutierrez . All Voted Aye/ Motion Carried.

- U. Discussion and Possible Action to approve Interlocal Agreement for the 2020-2021 Urban County Fiscal Year**

Hugo: I am going to pass this on to Manny.

Manny: Mayor, this is the Interlocal Agreement for the 2021 Urban County Program fiscal year that must be approved by out city council. The Interlocal is an Interlocal that requires it to be presented the commission. It just lets us know that we are agreeing to participate in the monies and put the monies to use that Urban County is providing for us for the fiscal year. Also included with the Interlocal is a code of conduct that contains a code of conduct clarification that must be signed by each city council member, city secretary, and city manager. Basically, I sent it to legal earlier, but I don't know if they had a chance to review it. It was on short notice so if you guys have any questions you may ask legal.

Mayor: On the agreement Manny, is there an amount?

Manny: The amount for the City of Edcouch will be 267,000 for improvements, and general program administration 3,000 for a total of 270,000.

A motion to approve Interlocal Agreement for 2020-2021 Urban County Program fiscal year was made by Alderman Chapa, 2nd by Alderman Cabrera. All voted Aye/ Motion Carried

V. Discussion and Possible Action to action to approve and see if the proposed tax rate will exceed the rollback rate of the effective tax rate

Hugo: Mayor, I will pass this on to Mr Manny Hernandez

Manny: Mayor, city council members this item was brought to the agenda for action and discussion. This is to discuss a tax rate to propose the tax rate will not exceed the roll back rate or the effective tax rate, whichever is lower. Take record that you must vote. In speaking to the tax office they are recommending that we go with what is called the No New Revenue Tax Rate which is .1952. Last years tax rate was .9654. If you take notice the No New Tax Rate is lower than last years tax rate. Now you may ask why is it lower it is because the evaluation in properties in The city of Edcouch went up this year so the reason that the tax office is going with the No New Revenue Tax Rate is because the additional tax levy will still be \$497,263. The same that was suppose to be collected this last year so if we increase our tax rate, if we go with last years tax rate it might not seem like we are increasing it. It might seem like we are staying the same but we are going to be collecting more money from our citizens so if we are collecting an additional \$27,000 more than last year we must have a public hearing and let the citizens know that we are collection \$27,000 more than last year. So the tax office is recommending that we go with the No Ne Revenue Tax Rate which is .1952 as compared to last year which is .9654 and once again I f we go with the .1952 we will be collecting the same tax levy as last year.

Mayor: So if we approve this in effect it sets the tax rate already?

Manny: No, we are going to have another meeting on September 14th in which the tax office does their presentation and we adopt the tax rate there on September 14th.

Mayor: And your recommendation is?

Manny: My recommendation for you gentlemen is to go with the No New Revenue Tax Rate of .1952 which is lower than last year at .9654.

A motion to approve and see if the proposed tax rate will exceed the rollback rate of the effective tax rate was made by Alderman Cabrera, 2nd by Alderman Gutierrez. All voted Aye/Motion Carried.

W. Discussion and Possible Action to approve City of Edcouch Purchasing Manual 2020

Hugo: Mayor the purchasing manual is something that the city has really never had and at this time what I am going to recommend that we do. I already worked on a purchasing manual I am going to request only for time sake. I am going to request that you all approve the manual. I will be sending it to you completed once OJ goes through it and takes a look at some of the legal aspects of the manual. The manual that we worked on is a manual that includes a lot of the things that we go

through. It also talks about purchasing processes. It talks about the P.O.s . It talks about petty cash. There is a lot of aspects to it. It is a pretty long document and I am asking you to approve it so I can send it to OJ and he can go through all the legal aspects then I can send it over to the auditor's office over at accounting because they are requiring it for the reimbursement of the COVID.

Mayor: One question real quick, the manual itself is there a need for additional equipment or personnel that we currently do not have?

Hugo: No Mayor, let me see if I can bring it up. So this Manual off course the date will change, and basically if we go down the line here you will notice it has the definitions, policy statements, it covers every aspect of our purchasing process at the city. Now, since I have been here I have taken a lot of here say and lets see how they did it in the past. So basically what I did was I went down the line based on what I know and what I have learned with the purchasing processes that I have dealt with in the past with the school and what we have done here at the city and we looked at the different amounts. I used for instance, I will give you an example, if it is something that is less than 25,000 we do not need to vote on it, we do not have to go through that but we do need to get three quotes. Anything from \$3,000 to \$25,000 we have to get quotes and it is items like these on this particular manual. In addition to a lot of the precument of the government code which is that is the area that I would like OJ to take a look at so that we can make sure that all of that is in order.

Mayor: So your recommendation is to approve pending legal review and edits if necessary.

Hugo: Yes pending legal review and what I would like to do is maybe later on go ahead and do a workshop so that we can go through it. I mean this will be a growing thing, it is going to be changed and so there are certain things I need you alls advise and I will give you an example one of them that popped up was petty cash. Now, if you notice on the screen, I have petty cash and I have some amounts there I put a normal amount of \$50 but maybe I should up it to \$200 and that way instead of me doing a P.O. or something. Like a lot of times these guys will come in and say Hey I need a P.O. because I need string for the weed eater, obviously I don't need a P.O. to go get that I can use petty cash to just get that item. Bring back the receipt and we can cover that and so i think that by us implementing some of these things they are going to benefit us in the future be able to control. Right now we have a big issue with the P.O. system. We have people coming in asking for P.O.s left and right and so we need to control it a little better than what we are doing right now. So what I want to do is bring this back mayor, but for time sake I really need to send this out to the Hidalgo County auditors office and then off course the legal aspect of the percument process. I would like for legal to take a look at it.

A motion to approve City of Edcouch Purchasing Manual 2020 was made by Alderman Chapa, 2 nd by Alderman Gutierrez. All voted Aye/Motion carried

X. Discussion and Possible Action to City of Edcouch Handbook 2020

Hugo: Mayor, it is on the screen, same instance here there is some legal aspect that I would like our attorney to take a look at. I will be sending this document once I take a look at it myself but basically this would be our employee handbook. This is something that has never existed here in The City of Edcouch and I think it is something that is very important especially with our current condition. There are so many questions that people have with COVID. This is another document which I think is a living document. It should be constantly being changed and amended so I think it is a goof start to try to get our employees some direction and at the same time protect the city as much as we can. There are some legal aspects of the handbook itself so I would request that you all

approve the manual pending legal review and then off course we will do a workshop so that we can go through it and do any type of amendments that we would have to do at that time.

**A motion to approve City of Edcouch Handbook 2020 was made by Alderman Chapa,
2nd by Alderman Gutierrez. All voted**

Y. Discussion on Employee Job Description

Hugo: Same thing mayor, requesting that you approve. This is something that we have been working on. Job descriptions are an especially important part of any organization. It is something that the city still does not have. I know that we have had instances where the job description are very important legal and off course here at work so I would like for you to approve pending Oj taking a look at that job description and then bringing it back for a workshop.

Mayor: Oj can you read the item? Item K the way it is worded.

OJ: Let me look at it again mayor. I saw it up there let me bring it up. I see the possible action being omitted and so it has only as discussion.

Hugo: Ok so I will recheck my recommendation and just basically tell you I am working on job descriptions. I will bring the job descriptions to the workshops that we are going to set up for the purchasing policies and the employee handbook and I will just add those job descriptions to the employee handbook and we can go ahead and approve it at that point.

Mayor: Ok and also for future reference and I guess it is a legal question too, if there is a change to the job description does it have to come to the commission or can the city manager amend it by himself.

OJ: On the job description the city manager will have that apparent power to change the description either in the ability the description or general framework on the job description.

Mayor: So he can do it? Including salary or that has to be approved by council?

OJ: The salary could be dealt with by the city manager, the council will be responsible for the overall budgets.

Mayor: For the budget? So that way if Hugo needs anything immediately in regards to the job description as far as, I know that we are submitting some things to county for reimbursements, there are some changes that he may have to do. So there is some clarity.

OJ: You are not talking about the salary to the city attorney?

Mayor: That one . . .

John: WE are looking to move that salary to the city manager.

Hugo: I don't want that responsibility. I think with everything going on with COVID, I think it is a blessing in disguise because with the city everything that has been done up to now that was lagging this is something that we needed. We needed direction and I think these manuals these policies are going to give us that and a city with direction in addition to a brand new pool and a community center and a good looking attorney I think we are going to be looking pretty good here.

Mayor: Do not forget the mayor.

Z. Discussion an Possible Action to award contract for 2015,2018,2019 Flooding Events CDBG MIT administration and management services

Hugo: Mayor at this time I would like to recommend I am going to be giving you three options starting with the one all through number three and this would be on the condition to allow out city engineer negotiate with the first selection and then if negotiation fails that we go on to the second and third if needed. So my first recommendation would be Folkram, second recommendation will be R. Gutierrez Engineering Services, and Seglar and Winston Engineering Services to be number three. \

Mayor: I have a question. Is this something that we can do in the open OJ or we would have to go to to negotiate a price.

OJ: When you are negotiating you can give the power over to the city engineer and have the city engineer try to negotiate with them but it won't be something that we will be able to discuss as a city council. I am not to sure if that answered your question.

Mayor: So right now we just give the authority to the city engineer to negotiate with the three of them or we can select?

Hugo: I am recommending that we negotiate with number one, if negotiations fail go to number two then three if needed.

Mayor: And who is number one?

Hugo: Folkram Engineering

Mayor: That is not the same Folkram that

Lorenzo: Is that the same Folkram we had trouble with in the past?

Hugo: That is the same Folkram that we have had trouble with.

Lorenzo: Why would we want to go with them if we had trouble with them in the past?

Hugo: Ok at this time and good question commissioner, and before I answer that let me just ask Mr Jimenez if I could talk a little bit about the things we talked about or if it is something that we need to negotiate. Right now we are in a time constraint and that is why and I am so sorry I kind of just dropped this on you and I do not know if it is possible if I could explain a little bit about the project. I know that I can explain a little bit about the project, and it is basically

Lorenzo: But we have been having a lot of trouble with Folkram. Why do we want to go with Folkram if we have had problems with them? Don't we have a case against the OJ?

OJ: Yes, sir

Lorenzo: So why do we want to go with them then?

Hugo: Ok so this project, and OJ if I am going out of line I am going to ask you to stop me please.

OJ: Yes, sir

Hugo: This project here is the beginning of the opportunity for the city to be able to help some of the people in the area that are having problem with flooding. This is a grant. The project is not something that is _____ or anything.

Lorenzo: We also had a project with Parks and Wildlife they were not working they were not doing what they were supposed to be doing. Didn't they doing something with the project we had with the Parks and Wildlife too?

Hugo: Yes and let me explain

Lorenzo: We do not want to work with those guys because we already had problems with them.

Hugo: If I could explain commissioner.

LORENZO: Yes, sir

Hugo: So basically right now the initial project, this potential grant, and like I said it is still a potential grant. We do not have anything yet. This is just an idea.

Lorenzo: No, we can not go with, I motion that we need to look more further with this because we already had problems with those guys and I do not think we should go through with this.

John: Hey Lencho but let him speak. Hold on, let him finish whatever he is going to say, hold on.

Mayor: We will make a motion in a moment let Mr De La Cruz finish the presentation.

Hugo: I understand completely commissioner what you are saying and I understand your concern. It is also my concern but for the betterment of any issues that we have had in the past with this company, with this engineering service, this is an opportunity for the city to still get the waste water treatment plant and the reason for me recommending Folkram to come in number one choice, I am not saying that if we fail this is something that we have to negotiate still. The reason for me selecting this number one choice is because he already did the work rather than going and spending our monies on attorney fees and all of that I think it is smart to allow this guy to come and do the work and get us what we originally had paid for because we already paid for this. The city is already paying for the waste water treatment plant but we did not get it. So this is an opportunity for the city to get that waste water treatment plant and not have to pay engineering services. If we go to number two then we are going to have to pay for engineering services the turn around and sue, or our lawsuit is in effect right now. So we are not losing anything this is just a way

Lorenzo: No, because we already have a case against them for what they were doing to the city. Why would we want to go with the same people, with Folkram, if we are already suing them. You know, we have a case against them.

Hugo: Because we have an opportunity to get the waste water treatment plant.

Lorenzo: Me personally I am against it.

Hugo: Well my recommendation stands. We will put it out for a vote. I do not know what else to say at this time.

Mayor: I have a question Mr De La Cruz, but I do not know if I can ask it in this platform Mr Jimenez because it involves the current litigation that we are in with the company.

Lorenzo: Yes, exactly mayor.

OJ: If it involves any issues involving litigation ,other than the reference to litigation, then you can not discuss that.

Mayor: Right, my question is on the if the other one will still be in effect.

OJ: The lawsuit?

Mayor: The lawsuit in effect, yes.

OJ: Yes, I have not gotten any authority from the board to dismiss that lawsuit so that lawsuit is still going forward. Yes sir.

Mayor: So them in effect if we give the opportunity for Folkram to continue what he started if it works we continue and if it does not work we can still continue with the lawsuit?

OJ: That is correct, there is a little clause or stock on the lawsuit, the direction that I have from the city council is to file and so I have not been told otherwise, until I am told otherwise that lawsuit will continue.

Mayor: And also the way Mr De La Cruz is presenting it, he is asking to negotiate with entity number one which is Folkram and if that failed continue with number two immediately and still continue.

OJ: That is correct, I mean at that point it becomes a negotiation endeavor from the city engineer and if number one Folkram wants to continue doing business with the city and the city for what reason wants to continue doing business with Flokram that has no bearing on the underlying suit that we have.

Mayor: And also another question OJ, can we take this item to executive and discuss because we are getting on the verge of discussing litigations and things like that.

OJ: Absolutely, wait do you mean right now?

Mayor: Right noe, yes sir.

OJ: The only issue that I have, amnd I have not seen this unsuccessfully, is if you do take us to a room my understanding is that it is still being recorded by You Tube so if Mr De La Cruz has an idea on how the You Tube is not recording an executive session then we are all in. If not then that is where it becomes a public issue because it is still being recorded so therefore it is still a public session not an executive.

Hugo: The only thing I can recommend at this time OJ is for us to mute our audio device and all of us have our phones and al of us have a phone chat.

Manny: Mr De La Cruz, for the record Mayor Pro Tem Flores has joined the meeting.

Rene: I am here.

Hugo: If possible if we could mute our phones and then go to an audio conversation on our phones. I do not know if that is possible.

Mayor: Like a four way type of deal?

Hugo: Yes, we will merge a phone conference.

Mayor: A conference on our phones?

OJ: Yes, if it is possible to get everybody on the line then yes you could do that.

Lorenzo: Cant we just motion for it right now? Cause I am against it.

OJ: You can either, I mean the mayor has the floor so the mayor can either call a question or table the item.

Lorenzo: My request is to table the item.

Hugo: At this time I would not recommend to table the item we are running on time. This is a grant again this is not something that is going to happen unless we send it and have to opportunity. This is an opportunity that the city has to get a grant. If you are not comfortable with the number one, for the recommendation that I made you are welcome to recommend anybody else.

Rene: What was the item? I had missed it. What was the item?

Hugo: Mayor Pro Tem, it was the item.

OJ: Item L

Hugo: And it deals with the bids on the RQs that we sent out. Commissioner Cabrera if I may address you directly this is just an opportunity for us to be able to get. An opportunity and I want to make that clear, it is an opportunity for us to get.

Lorenzo: Then we should table the item

Hugo: We do not have time for that.

Lorenzo: For us to discuss it further down

Mayor: We have a recommendation

Rene: What is the deadline on it?

Hugo: September 6th

Lorenzo: We still have time

John: Yeah but the next meeting is September 14th

Lorenzo: Yes but we can make an emergency meeting on that no OJ?

OJ: Yes sir, if the mayor and the city council and if there is sufficient quorum for a special call meeting you could basically address whatever the city manager would like to address.

Mayor: So does everybody understand the item? Discussion an Possible Action to award contract for 2015,2018,2019 Flooding Events CDBG MIT administration and management services

Rene: No I do not understand it. I came in late. That is the problem.

John: Can you bring him up to speed Hugo and tell him what recommendations you have.

Hugo: Mayor Pro Tem this deals with a grant that is out there right now where we can go out and hire and engineering and consulting services so that we can give the citizens an opportunity. Those citizens that live in flood areas and opportunity to move to a different place and what this grant does it gives these people an opportunity to build a new home and with that also includes a waste water treatment plant so that we can accommodate for that addition to the city. So the idea came in that we had already started a waste water treatment project that fell through, as everybody knows. So since we are already paying for engineering services, and I know that there is a litigation in effect right now, but this gives the opportunity to the city to be able to go ahead let this guy pretty much come in, and my recommendation is based of that knowledge, is to give this guy an opportunity to come in and work and not get paid. He is not going to get paid.

Lorenzo: Mr De La Cruz he had his opportunity when the other commissioners were there.

Hugo: The problem is commissioners is that he has already . . .

Lorenzo: Why are we going to give him another opportunity knowing what happened with the sewer plant and we are going to give him another opportunity?

Hugo: Because a litigation might take a decade to come in.

Lorenzo: We still have that case pending against Folkram. Why would we want to go with Folkram if we already have problems with Folkram.

Hugo: Again my recommendation is based on the fact that we have an opportunity to make things right and to be able to get a waste water plant. My recommendation is going to stick. My recommendation has already been made mayor, so if you can

Lorenzo: (inaudible)

Hugo: There is a call to order. I think there is a call to question here mayor so if that is the case my recommendation still stands. I am trying to do what is best for the city and what I feel is best for the city at this point in time is for us to bring this in because other than that we are still going to have a litigation, we are still going to have to pay another engineer for plans and we are going to find ourselves in a different situation. This is an opportunity more than anything

A motion to approve and to award contract for 2015,2018,2019 Flooding Events CDBG MIT administration and management services was made by Alderman _____, 2nd by _____. All voted Aye/Motion carried.

AA.Discussion and Possible Action to award contract for 2015,2018,2019 Flooding Events CDBG MIT engineering and architectural services

A motion to approve and award contract for 2015,2018,2019 Flooding Events CDBG MIT engineering and and architectural services.

BB. 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, August 20, 2020.

Passed and Approved by the Board of Aldermen on this day of August 2020.

ATTEST

**Manuel Hernandez
City of Edcouch**

