



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, December 17, 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 Dec 03, 2020**
 - 2. **Special Meeting Minutes of Dec 07, 2020**
- G. **Discussion and Possible Action to approve to Amend the code enforcement code to make it mandatory for residents to rent a rolling trash bin while doing remodeling, additions and new construction.**
- H. **Discussion and Possible Action to approve the name of CV Mendez street to Polo Lara Dr.**

- I. Discussion and Possible Action to approve the hiring of Edcouch Police Chief Roel Guerra.**
- J. Discussion and Possible Action to approve Governmental Relations services by Aron Pena of Rubicon Strategies USA, to seek possible monies and or projects related to the City of Edcouch at a \$ 1,500 retainer per month.**
- K. Discussion and Report on Employee Christmas Bonus Plan**
- L. 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 Meetings of the Board of Aldermen of the City of Edcouch was posted on the main entrance to Edcouch City Hall on the 14th day of December 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 14th DAY OF DECEMBER 2020.

Victor H. De La Cruz
City Manager

Regular Meeting
12/17/2020
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**MINUTES
REGULAR MEETING
CITY OF EDCOUCH**

211 W. SOUTHERN AVE., EDCOUCH, TEXAS
THURSDAY, December 17, 2020
COMMENCING AT 6:00 P.M.

AGENDA

- M. **Call Meeting to Order** Meeting was called to Order by **Mayor Gonzalez at 6:13 p.m.**
- N. **Roll Call** Roll call was called by **Mr. Manuel Hernandez Jr** as follows:

	Present	Absent	City Staff:
Mayor: Virginio Gonzalez Jr.	_X_	___	Victor H. De La Cruz, City Manager
Mayor Pro Tem: Flores	_X_	___	Manuel Hernandez Jr., Fin./Grants
Alderman: Joel Segura	_X_	___	
Alderman: John Chapa	_X_	___	
Alderman: Robert Gutierrez	_X_	___	
Alderman: Lorenzo Cabrera	_X_	___	
City Attorney: Orlando Jimenez			

Mayor, we have a quorum.

- O. **Pledge of Allegiance** Pledge of Allegiance was led by Manny Hernandez
- P. **Invocation** Invocation was led by Victor H De La Cruz
- Q. **Public Comments** No Public Comments

- R. Discussion and Possible Action on approval of Minutes
Manny: Mayor the minute are in you packets so you should have them for review.

1. **Regular Meeting Minutes of Dec 03, 2020**
2. **Special Meeting Minutes of Dec 07, 2020**

A motion to approve the Regular Meeting Minutes of Dec 03, 2020, and Special Meeting minutes of Dec 07, 2020, was made by

Alderman__ Segura_____ , 2nd by Alderman _____ Cabrera_____ . All Voted Aye/ Motion Carried

- S. **Discussion and Possible Action to Approve to Amend the code enforcement code to make it mandatory for residents to rent a rolling trash bin while doing remodeling, additions, and new construction**

Hugo: This is an issue that we have been encountering every time there is any remodeling going on, especially after a natural disaster, we see this. I am talking about anything aside from the when they a cut a tree, I am talking about actual remodels. What the city ordinance reads basically it states is that they have to come and get a permit. At that time, we are asking that

they amend this and change, or actually not change but add the rolling bin. This will alleviate some of the trash that is being left on the curbs. This type of trash is very difficult for us. We try to help as much as we can. We will go, especially if it is elderly, we go and we help try and pick up, but it is very difficult to find someone that will take that debris but at this time with this if someone is going to do a remodel job, I think that if we they add the trash that can alleviate all this and so that is what we are asking for at this time. At this time, I am recommending that you approve this item so that this be part of any remodeling project from here on out.

Mayor: Do you know the estimated cost for a rolling bin?

Manny: We are looking at anywhere from three to four hundred dollars.

Lencho: With what company?

Manny: It has got to be with All Valley Waste, for example, if you go into The City of Elsa and I did a remodeling in my house. I wanted to get another company after shopping around for a cheaper rate, unfortunately they did not let me bring an outside company. They made me go with Republic because Republic is the one that has the contract with the city. Whoever has the contract with the city is the one that the citizens need to go with.

Lencho: But are you sure they are going to charge three hundred four hundred dollars for the bin?

Manny: Do not quote me on that. I can get you an exact number.

Lencho: You need to get an exact number.

Hugo: The bin is exactly three hundred and fifty dollars.

John: Hugo, and the expense for the debris that we have already picked up. How much do we have to pay for that?

Hugo: I would not be bringing this item and requesting this change Mr. Chapa if the amount that we are paying right now is excessive. I cannot give you numbers, but I can tell you that this is daily function for the City of Edcouch. We are going around, and people are doing remodels and we are picking up. I know it was after the storm, but the city is not responsible for picking up this type of trash.

Mayor: And this is nothing new right? Other cities are doing the same thing. I would imagine.

Manny: Yes sir.

Hugo: As far as, (inaudible), I am sorry for interrupting, but if you are going to build that is part of building a house. So, it should be a part of remodeling.

Rene: In other cities either you have to tow it out yourself and you have to dispose of it properly which is shingles separate, sheetrock separate, so it's all one in the same. I mean you are taking it to the county, or the precinct and you have your permit for a year or whatever or you can get a trash bin and you be throwing it as the construction goes or the remodel goes but mostly all other cities do give you the option. I do not think Edcouch should force it on them, but you give them the option and the option will be either you take it to the dump or if we find

out you throw the trash like in front of the house in the curb then we are going to fine you. So, we give them the option either you take it yourself, or you rent the bin, or we fine you. I think that would be fair.

Hugo: That is a good idea.

Lencho: Because some people cannot afford the bin.

Rene: Yeah exactly, that is what I mean. It is not necessarily that we are going to force it on them but at least we can give them the option so I think the motion would apply for the same thing you are just giving it the option that you are going to tell them you rent the bin, or you are go dispose of it yourself.

Hugo: Commissioner, in that case I would say that you will deny that item because really to give an option to someone to get a bin or go and throw the trash I mean we are talking about responsibility. The reason that we brought this item forward was because people are not being responsible, and I have to say that because that is a huge issue here in the City of Edcouch.

Rene: But even the way you are presenting the item I do not think you need to table because we are giving you authorization to add it as an option. It is the same thing.

Hugo: But what I am saying if you read this it is to amend the code enforcement code to make it mandatory for residents to rent the rolling trash bin. If we give an option and we deny it is the same thing.

Rene: Then you just have to reword it basically or we can motion it contingent to changing any wording in it or how do you see that council?

OJ: It can be both. The way it is worded it does have discussion and possible action and so with the discussion would basically mean that I do not necessarily agree with it becoming mandatory. It is going to be a situation where it is going to be an option either A. make sure it is in an enclosure in the meantime until you take it to the landfill or B. it has to be in the rolling bins. So, you can authorize the city manager to go back and basically reword it the current amendment and current ordinance and include the additional language regarding the possible option to give them the right to choose one or the other.

Hugo: I understand what now you are saying the way it is worded as far as the agenda goes but this wording is not part of the current code. There is nothing on the code that says that a person who is going to do a remodel job needs to bring in a bin. There is nothing on the code that says that a person needs to get rid of the construction waste. What I am saying is that the city is doing it right now and it is costing the city and it is really not the cities responsibility.

Rene: We understand and that is why we are giving you the option that if we could approve it right now with approval to just change the wording and make sure the way OJ is saying it right now.

Hugo: I do not think you are understanding is that we are talking about the actual discussion item.

Lencho: Can we table the item?

Hugo: It is the way that the item is worded. If you all tell me right now just do not use the word mandatory, I can do that. I can say: We are not going to mandate people to rent a rolling bin.

But if that is the case, if we are going to give people an option then there is really nothing that we are doing to the actual code. It is about changing the code here. And the problem is if we tell someone I am going to give you an option to get rid of your own trash that is what we are doing now. Right now, it is not really an option. Right now, they are responsible to get rid of the trash.

Rene: Now when they go and ask for a permit Hugo, maybe it is the person giving the permits that is not giving them the option and letting them know what is going to happen. So then maybe yeah exactly we do not need to approve this because when you do go to other cities, they do tell you look there's trash bins that you can order, or you are going to have to haul it out that is what your inspector does and everybody else.

Hugo: That is what I am saying. If you do not agree with the making it mandatory that is fine, but we are going to start enforcing the code and by enforcing the code anybody that leaves trash on the side of the road is going to be fined. If we want a clean city, we have to start enforcing the codes that are out there to be enforced.

Mayor: Right, so what is going to be mandatory in this situation will be the responsibility. The homeowner is responsible for the cleanup of the debris. Either you take it yourself, you rent something, but you are responsible for it. I am not going to pick it up.

Hugo: You do not pick it up I am going to fine you. If I was to recommend, I would prefer instead of tableting that you reject this item and what I will do is I will talk to staff you have to make sure that you tell people that are remodeling that they need to take care of all the debris.

Joel: Don't you need to have in writing though, I mean just in case they want to go back and say it is not mandatory.

Lencho: Can we mail out a letter out to them?

Hugo: What I can do is whenever we do the permit, we will add to the permit we will add a section on their keep in mind you have to get rid of all your construction debris and then from there we can use that because when they come out and get a permit that is pretty much like a contact right council? I mean they are saying ok we are getting a permit to do this as per the code as, so they have to be responsible for their construction.

Lencho: How much is the permit?

Hugo: Permits are twenty-five dollars.

OJ: What is important, and it was mentioned earlier is that just because you put something on the permit it does not make it so. You want to make sure that the permit is reflecting the current code of ordinance so that way if they come back and they say well where does it say that in your city ordinance. We are going to be well we really don't have it sorry. No.

Joel: That is what I am saying.

OJ: And so that is why at this point the previous comment we can exempt it subject to the other requirements then that is perfect. That way you amended it because before you did not have it, so we are just giving them the option and are protected.

Hugo: I agree with you council that is why we have the item on the agenda to make it mandatory for them so basically if I would ask for then approval contingent about not using the word mandatory but maybe adding to the code and give us the wording. I mean give us the wording that you want right now so that we can vote on that tonight, and we can make those changes so we can enforce it.

OJ: I think that what we can do is because I would like an opportunity and not limit the discussion on just the wording tonight, I would like the board if that were the case to at least give Hugo authorization of what they want and subject to legal review and legal compilation and then do it so that way it can really make sense. Rather than just throwing out one or two words and make sense or later on it come back and not be that enforceable. What we mention before is we are going to approve it subject to the other condition that we will be given an option either A. they are going to have to provide the rolling trash bins or B. they are going to have to make provisions for them to take care of it. That is enough for now and I can go ahead and craft it in such a way that we can have that extra provision added into the ordinance.

Hugo: That sounds good

**A motion to approve to Amend the code enforcement code to make it mandatory for residents to rent a rolling trash bin while doing remodeling, additions and new construction was made by Alderman __Segura_____
2nd by Alderman __Flores_____. All Voted Aye/Motion Carried.**

T. Discussion and Possible Action to approve the name of CV Mendez street to Polo Lara Dr

Hugo: Mayor, this item we talked about before we had actually tabled it to look into the matter longer and at this time, I am recommending approval of this item.

Rene: I know that what we were going to look at was swapping the streets. I think there is a street out there named or changing Polo Lara somewhere else or no I am sorry CV Mendez somewhere else. Did you ever look into that?

Hugo: Yes, commissioner the actual place where Mendez had business. I do not remember the name of the street, but it is a street that really does not signify anyone or anything and we would have to do that in a different meeting but at this time I am asking approval for this street to be changed.

**A motion to approve the name of CV Mendez was made by Alderman __Gutierrez_____,
2nd by Alderman __Cabrera_____. All voted
Aye/ Motion Carried.**

U. Discussion and Possible Action to approve the hiring of Edcouch Police Chief Roel Guerra.

Hugo: Mayor this is an item that we had also talked about. After looking at all different the applications and everything that we looked at I believe that we have found the match for The City of

Edcouch, and I am really eager to start working or have started working with Chief Roel Guerra and we are recommending approval at this time.

A motion and possible action to approve the hiring of Edcouch Police Chief Roel Guerra was made by Alderman ___Segura _____, 2nd by Alderman ___Chapa_____. All voted.

V. Discussion and Possible Action to approve Governmental Relations services by Aron Pena of Rubicon Strategies USA, to seek possible monies and or projects related to the City of Edcouch at a \$1,500 retainer per month

Hugo: We got a visit by Mr. Aron Pena and after discussion there are projects right now that we are currently going through. One of them is GLO. There is some monies that are being held by the Water Development Board and those were all discussed with Mr. Pena and those are items that he can help us with. We are recommending at this time that you approve this item. I believe Manny has some of the information

Manny: I did send out some background on Mr. Pena to your emails but let me just let you know on some subjects that he will be working on for The City of Edcouch. One item he will be working on is public safety. Bringing in grants for public safety, fire department, police department. He into Agriculture Rural Affairs. He works for the Water Development Board. As you know there is monies being withheld at this time by the Water Development Board that we need to recover. He is going to help us with that. He is going to help us as well with disaster recovery, state affairs, and healthcare. Healthcare is where he can bring, hopefully, like a standing E.R. to Edcouch or anything having to do with healthcare. He did ask for a retainer, but we are pretty much leaving it up to you guys.

Mayor: Did council review the agreement?

OJ: Yes, mayor I did review it and the only question that I have is. It is not really a question. The issue that I would like to bring up to the council is that typically these contracts that I have seen when it talks about the termination clause usually the termination is the thirty days that you have to notify their party, so it works both ways. Thirty days. In this particular contract it has a sixty-day notice and so before we can terminate their contract for any reason, we have to give him a sixty day notice typically just so that the city council can be aware usually thirty days is norm and then the other thing also that I did not see in this particular contract that I see in every other contract has a stipulation that is they are at fault for the termination that they are not to get paid for the remaining services. According to this contract if we terminate for whatever reason then he still has to get paid the remaining balance. I have never seen that, and I just want to clear that up to the city council to let them know that that is the way that this particular contract is drafted.

Rene: They are asking for a retainer of how much Mr. De La Cruz?

Hugo: One thousand five hundred, commissioner.

Rene: Is there any way that we can do something without a contract. Like on a month-to-month basis. I would not feel comfortable giving a contract like that.

Hugo: Commissioner I agree. This is what was brought to us, and we put it on the agenda. We did not negotiate anything. I do agree. Those type of positions are measured by results, but I do also

believe that the more help we have the better chance we have of getting these grants that we are working on, and we desperately need here in The City of Edcouch. I agree with you.

Rene: Maybe we can table this item and maybe you can speak to whoever reached out to you and let them know we do need all the help we need especially to grow but I am glad that council caught that before and let us know.

Hugo: Just to add to that Mr. Flores, and maybe recommend instead of table if we could leave it at the discretion of council. I do not know if we can do that, council.

Mayor: I have a question. Can we do it as a term? Like can we approve a six-month contract for now or three months and then see how it works. If we do not like it, we can go back.

OJ: Absolutely, what we can do too mayor is that we can go ahead and since this particular contract was kind of almost thrust upon the city without the benefit of actually negotiating the terms. The city can allow me to negotiate the terms not only the retainer but in addition to that the contract also has a stipulation of seven percent of whatever he brings in. So that is also negotiable so is the termination clause. So, if the council can give me the authority to negotiate and bring back to the council what the terms are or what the terms can be and at that point the council can approve it in full or with modifications or with additional stipulations.

Rene: Maybe even lower the price.

A motion to authorize council to negotiate contract with Governmental Relations services by Aron Pena of Rubicon Strategies USA, to seek possible monies or projects related to the City of Edcouch at a \$1,500 retainer per month was made by Alderman __Chapa____,2nd by Alderman __Cabrera____. All voted

W. Discussion and report on Employee Christmas Bonus

Hugo: Mayor, this is an item that was brought back from the last meeting. We were going to look into finances. We were going to look at all these things. You know, I really do believe that the staff deserves to get this bonus. It was a bonus that was on the budget. We know what has happened this past year with the pandemic and it has really hit small cities like ours financially. We also know that we did get help through the CARES Act but unfortunately some of those monies have been kind of held hostage and we have been hoping that. And there is just a lot of hope in receiving this money that we lost throughout the year. But with that said our finance department has worked really hard to be able to accomplish this Christmas bonus plan and proceed and this is something that we are really waiting for last minute. This is actually for tomorrows payroll. So, nobody knows, and it is one of those really good Christmas surprises. I recommend that we authorize this Christmas bonus.

Mayor: This was approved last meeting. Hugo was just going to tell us how much and when.

Hugo: The plan will be tomorrow, and it will be in the excess of nine thousand dollars.

Mayor: And individually?

Hugo: Per person is three hundred and one fifty. It varies depending on time and all of that.

Lencho: It was not across the board?

Hugo: No, it goes by seniority. Seniority plays a big part. We do not like to leave nobody out and so basically everyone is getting a bonus, but we had to use seniority because it is only fair.

X. Adjournment

At 6:43 pm, a motion to adjourn was made by Alderman: Chapa, 2nd by Alderman: Segura. 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, December 17, 2020.

Passed and Approved by the Board of Aldermen on this 17th day of December 2020.

ATTEST

Manuel Hernandez
City of Edcouch