



**EDINBURG CITY COUNCIL**  
CITY OF EDINBURG, HIDALGO COUNTY, TEXAS

**Location:** City of Edinburg  
City Hall-Council Chambers  
415 West University Dr.  
Edinburg, Texas 78541  
**JULY 31, 2018**

**SPECIAL MEETING AGENDA**  
**6:00 PM**

- 1. CALL TO ORDER, ESTABLISH QUORUM**
- 2. CERTIFICATION OF PUBLIC NOTICE**
- 3. PRESENTATIONS AND REPORTS**
  - A. Fire Station Number 5 Construction.
  - B. Discussion and Possible Action on Proposed Charter Amendments. [Ricardo Gonzalez, City Attorney]
- 4. CONSENT AGENDA**
  - A. Consider Rescheduling the Wednesday, August 08, 2018 Regular City Council Meeting to Thursday, August 09, 2018. [Ludivina Leal, City Secretary]
- 5. BIDS/CONTRACTUALS**
  - A. Inter Local Agreement with STC for use of the Edinburg Fire Department Training Field
  - B. Approval of a Professional Service Agreement with Cathy Jones to provide Internal Auditing Services.
- 6. EXECUTIVE SESSION**

The City Council will convene in Executive Session, in accordance with the Texas Open Meetings Act, Vernon's Texas Statutes and Codes Annotated, Government Code, Chapter 551, Subchapter D, Exceptions to Requirement that Meetings be Open. The City Council May Elect To Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act.

- A. Potential Litigation Discussion of the Legal Issues Related to the Contract Between the City of Edinburg and Candela Organization, L.L.C. for the Construction of Fire Station #5; Default of Contractual Obligation by Candela (Insurors Indemnity Company Claim). (§551.071. Consultation with Attorney; Closed Meeting.)
- B. Discussion and Possible Action Regarding Legal Issues Concerning Cause No. CL-18-3168-D; Ethelyn Jane Cross vs. City of Edinburg; in the County Court at Law No. 4, Hidalgo County, Texas (§551.071. Consultation with Attorney; Closed Meeting.)

**OPEN SESSION**

The City Council will convene in Open Session to take necessary action, if any, in accordance with Chapter 551, Open meetings, Subchapter E, Procedures Relating to Closed Meeting, §551.102, Requirement to Vote or Take Final Action in Open Meeting.

**7. ADJOURNMENT**

*I hereby certify this Notice of a City Council Special Meeting was posted in accordance with the Open Meetings Act, at the City Offices of the City of Edinburg, located at the 415 West University entrance outside bulletin board, visible and accessible to the general public during and after regular working hours. This notice was posted on July 27, 2018 at 4:45 pm.*

By:



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Ludivina Leal, City Secretary  
City of Edinburg, Texas

Disability Access Statement

Persons with disabilities who plan to attend this meeting and who may need auxiliary aid or services are requested to contact the City Secretary Department at (956) 388-8204 at least two business days prior to the meeting so that appropriate arrangements can be made. The accessible entrance and accessible parking spaces are located at Edinburg City Hall, 415 West University.

All Matters Listed Under Consent Agenda Are Considered To Be Routine By The Governing Body And Will Be Enacted By One Motion. There Will Be No Separate Discussion Of These Items. If Discussion Is Desired, That Item Will Be Removed From The Consent Agenda And Will Be Considered Separately. With Regard To Any Item, The City Council May Take Various Actions; Including But Not Limited To Rescheduling An Item In Its Entirety For A Future Date Or Time. The City Council May Elect To Go Into Executive Session On Any Item Whether Or Not Such Item Is Posted As An Executive Session Item At Any Time During The Meeting When Authorized By The Provisions Of The Open Meetings Act.

# **PRESENTATIONS AND REPORTS**

**AGENDA ITEM AND RECOMMENDATION SUMMARY**  
**CITY COUNCIL SPECIAL MEETING**  
**JULY 31, 2018**

Fire Station Number 5 Construction

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**STAFF COMMENTS AND RECOMMENDATION:**

**RECOMMENDATION:**

**REVIEWED BY:**

**PREPARED BY:**

\_\_\_\_\_  
Pilar Rodriguez, P.E.  
City Manager

\_\_\_\_\_

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**RECORD OF VOTE:**

**APPROVED**  
**DISAPPROVED**  
**TABLED**  
**NO ACTION**

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\_\_\_\_\_  
Jorge Luis Salinas  
Councilmember

\_\_\_\_\_  
Gilbert  
Enriquez  
Councilmember

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Richard R. Molina  
Mayor

\_\_\_\_\_  
Homer Jasso, Jr.  
Councilmember

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David Torres  
Mayor Pro Tem

**AGENDA ITEM AND RECOMMENDATION SUMMARY**  
**CITY COUNCIL SPECIAL MEETING**  
**JULY 31, 2018**

Discussion and Possible Action on Proposed Charter Amendments. [Ricardo Gonzalez, City Attorney]

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**STAFF COMMENTS AND RECOMMENDATION:**

The actual charter amendments language will need to be placed on the first regular called meeting of August, 2014.

**RECOMMENDATION:**

Staff Recommends Placement of Actual Charter Amendments on a Future City Council Agenda.

**REVIEWED BY:**

**PREPARED BY:**

Blanca Rodriguez, Legal  
Assistant

\_\_\_\_\_  
Pilar Rodriguez, P.E.  
City Manager

\_\_\_\_\_  
Ricardo Gonzalez  
City Attorney

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**RECORD OF VOTE:**

**APPROVED**  
**DISAPPROVED**  
**TABLED**  
**NO ACTION**

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Councilmember

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Gilbert  
Enriquez  
Councilmember

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Richard R. Molina  
Mayor

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Homer Jasso, Jr.  
Councilmember

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David Torres  
Mayor Pro Tem

# CONSENT AGENDA

**AGENDA ITEM AND RECOMMENDATION SUMMARY**  
**CITY COUNCIL SPECIAL MEETING**  
**JULY 31, 2018**

Consider Rescheduling the Wednesday, August 08, 2018 Regular City Council Meeting to Thursday, August 09, 2018. [Ludivina Leal, City Secretary]

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**STAFF COMMENTS AND RECOMMENDATION:**

The City Charter for the City of Edinburg, Article III, Section 2, specifically requires that the City Council shall meet not less frequently than once each month. In adherence to the City Charter, it was prescribed by ordinance and codified in the Code of Ordinances, Chapter 31, Section 31.01, Rule 1, the regular meetings of the City Council shall be held on the first and third Tuesdays of every month.

It is being requested by council to reschedule the already rescheduled meeting from August 7, 2018 to August 08, 2018 at 6:00 pm

**RECOMMENDATION:**

Approve Rescheduling the Wednesday, August 08, 2018 Regular City Council Meeting to Thursday, August 09, 2018.

**REVIEWED BY:**

**PREPARED BY:**

\_\_\_\_\_  
Pilar Rodriguez, P.E.  
City Manager

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/s/Ludivina Leal  
Ludivina Leal  
City Secretary

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**RECORD OF VOTE:**

**APPROVED**  
**DISAPPROVED**  
**TABLED**  
**NO ACTION**

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Councilmember

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Gilbert  
Enriquez  
Councilmember

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Richard R. Molina  
Mayor

\_\_\_\_\_  
Homer Jasso, Jr.  
Councilmember

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David Torres  
Mayor Pro Tem

# **BIDS/CONTRACTUALS**



**AGENDA ITEM AND RECOMMENDATION SUMMARY**  
**CITY COUNCIL SPECIAL MEETING**  
**JULY 31, 2018**

Inter Local Agreement with STC for use of the Edinburg Fire Department Training Field

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**STAFF COMMENTS AND RECOMMENDATION:**

**RECOMMENDATION:**

**REVIEWED BY:**

**PREPARED BY:**

/s/Ludivina Leal

/s/Ricardo Gonzalez

\_\_\_\_\_  
Pilar Rodriguez, P.E.  
City Manager

\_\_\_\_\_  
City Attorney

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**RECORD OF VOTE:**

**APPROVED**

**DISAPPROVED**

**TABLED**

**NO ACTION**

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Richard R. Molina  
Mayor

\_\_\_\_\_  
Homer Jasso, Jr.  
Councilmember

\_\_\_\_\_  
David Torres  
Mayor Pro Tem

**AGENDA ITEM AND RECOMMENDATION SUMMARY**  
**CITY COUNCIL SPECIAL MEETING**  
**JULY 31, 2018**

Approval of a Professional Service Agreement with Cathy Jones to provide Internal Auditing Services.  
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**STAFF COMMENTS AND RECOMMENDATION:**

Approval of a Professional Service Agreement with Cathy Jones, CPA, CIA, CFE, CRMA, to provide the City of Edinburg with Internal Auditing Services. The Internal Auditor will identify weakness and will provide recommendations for improving processes and procedures.

**RECOMMENDATION:**

Motion to approve the Professional Service Agreement with Cathy Jones as presented.

**REVIEWED BY:**

**PREPARED BY:**

/s/Ludivina Leal

/s/Pilar Rodriguez

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Pilar Rodriguez, P.E.

City Manager

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**RECORD OF VOTE:**

**APPROVED**

**DISAPPROVED**

**TABLED**

**NO ACTION**

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Richard R. Molina  
Mayor

\_\_\_\_\_  
Homer Jasso, Jr.  
Councilmember

\_\_\_\_\_  
David Torres  
Mayor Pro Tem

## PROFESSIONAL SERVICES AGREEMENT

This Professional Consulting Services Agreement (“**Agreement**”) is entered into by and between the City of Edinburg, a municipal corporation (“**City**”), and Cathy B. Jones CPA, CIA, CFE, CRMA (“**Consultant**”) effective for all purposes upon execution by the City Manager.

1. **SERVICES TO BE PERFORMED.** The Consultant agrees to perform an estimated 140 hours (hours will not be exceeded without the prior written approval of City Manager) of professional internal auditing services to the City of Edinburg. A review of the City landfill operations will be performed. This includes reviewing compliance to city policies and procedures for billing, collections, purchasing, and payroll activity and will include data analysis thereof. An Audit Report identifying weaknesses & recommendations to improve the current processes and procedures will be provided to the City Mayor. The report and audit work papers will be considered audit work papers protected under the Texas Public Information Act.
2. **FEE FOR SERVICES.** Consultant services shall provide at an hourly rate of \$150. Payment shall be made within 30 days from receipt of invoice. Other cost reimbursable includes all out-of-pocket costs for expenses such as travel, lodging and any office supplies needed.
3. **CITY DELIVERABLES.** The City will provide to Consultant all deliverables needed to perform the agreement. All city departments heads and supporting departments such as IT, Purchasing, Payroll and Finance departments will provide any data files, financial documents and contracts needed in performance of this Agreement. City staff will provide all answers to questions on a timely basis either in person or by email as requested by Consultant.
4. **EFFECTIVE DATE, TERM, TERMINATION, RENEWAL.** This agreement takes effect upon date of last signature. The City or Consultant may, at any time, with or without cause, terminate this Agreement upon two (2) weeks written notice to the other party. In such event of termination without cause, City will be invoiced for the actual time and charges accumulated through the date of termination.
5. **INDEPENDENT CONTRACTOR.** Consultant shall perform all professional services as an independent contractor and shall furnish such services in its own manner and method, and under no circumstances or conditions shall an agent, servant, or employee of the Consultant be considered an employee of the City.
6. **INDEMNIFICATION.**i. To the extent allowed by law, the City agrees to indemnify and save harmless Consultant, its agents, servants, and employees, (“Indemnities”), from any and all liabilities, losses, damages, or expenses, including attorney’s fees resulting from the negligent acts or omissions of Consultant while in performance of this Agreement.

- 7. **OWNERSHIP OF WORK PRODUCT.** All deliverables, data, findings or information in any form prepared, assembled or encountered by or provided to Consultant under this Agreement are property of the City.
  
- 8. **CONFIDENTIALITY.** All deliverables and reports, data, findings, or information in any form prepared, assembled or encountered by or provided by Consultant under this Agreement are property of the City and are confidential. All deliverables and reports, data, findings, or information in any form prepared, assembled or encountered by or provided by Consultant under this Agreement shall not be disclosed to or discussed with third parties without the prior written approval of the City Manager, unless required by law.

**EXECUTED IN DUPLICATE**, each of which shall be considered an original, this \_\_\_ day of \_\_\_\_\_, 2018.

**CITY OF EDINBURG**

**By:** \_\_\_\_\_  
**Name:** \_\_\_\_\_  
**Title:** \_\_\_\_\_  
**Date:** \_\_\_\_\_

**APPROVED AS TO FORM**

**By:** \_\_\_\_\_  
**Ricardo Gonzalez, Oxford & Gonzalez, City Attorney**

**CONSULTANT: Cathy B. Jones CPA, CIA, CFE, CRMA**

**By:** \_\_\_\_\_  
**Date:** \_\_\_\_\_