

MINUTES

MEETING OF THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL BOARD OF DIRECTORS

12:00 PM WEDNESDAY, DECEMBER 15, 2021

VIA GLOBAL GOTOMEETING VIDEO CONFERENCE PLATFORM & IN-PERSON
INITIATED AND CHAIRED FROM
LRGVDC MAIN CAMPUS - 301 W. RAILROAD STREET, WESLACO, TEXAS
BUILDING B, KEN JONES EXECUTIVE BOARD ROOM

PRESIDING: JUDGE AURELIO GUERRA, PRESIDENT

President Aurelio Guerra called the meeting to order at 12:09 p.m. Roll call was taken, and a quorum was declared.

President Guerra then moved to item 2 - Consideration and Action to Approve Meeting Minutes (October 27, 2021). ***Mr. Oscar Montoya made a motion to approve the October 27, 2021, meeting minutes as presented. Commissioner David Garza seconded the motion, and upon a vote the motion carried unanimously.***

President Guerra next moved to Item 3: Public Comment and/or Report from Legislative Delegation, there being none he moved to Item 4: Administration and addressed the following:

A. Consideration and Action on Date and Time for Annual Report & Budget Committee Meeting

Executive Director Manuel Cruz was recognized and informed the Board that the Annual Report is the service program that outlines the LRGVDC's performance goals and outcomes. All members of the LRGVDC Board of Directors are also members of this committee, and there is no quorum requirement to conduct business at this meeting. The 2022 Annual Report & Budget will be placed on the January 26, 2022 Board & Membership Meeting agenda, therefore, in order to make a recommendation, the committee must meet prior to then. Mr. Cruz recommended meeting on either Monday, January 10, 2022, or Tuesday, January 11, 2022, at 12:00 noon. ***Mr. Jim Darling made a motion to schedule the meeting on Tuesday, January 11, 2022, at 12:00 noon. Mayor Oscar Montoya seconded the motion, and upon a vote the motion carried unanimously.***

B. Consideration and Action to Approve Executive Director to Enter Negotiations and Approve Contract for Audit Services

Mr. Cruz was recognized and reported that Oscar R. Gonzalez, CPA & Associates, PLLC was selected through the Request for Proposals (RFP) Process. Proposals were submitted and evaluated by a committee based on the criteria in the RFP. The contract will be for one year, from January 1, 2022 – December 31, 2022, and may be extended up to four more years for audit services contingent on performance and delivery of reports in a timely manner to the LRGVDC as stated in the RFP. ***Commissioner David Garza made a motion to approve the Executive Director to enter into negotiations and approve a contract for audit services; Mayor Oscar Montoya seconded the motion, and upon a vote the motion carried unanimously.***

C. Executive Director Report

Mr. Cruz was recognized to address the following:

1. Introduction of New Staff Members

Mr. Cruz informed the Board that twelve (12) new staff members have joined the LRGVDC since November. Their photos, names, and job titles were presented on the screen; these new staff members have joined the Administration Department, the Area Agency on Aging, Valley Metro, and the Rio Grande Valley Emergency Communication District.

2. 2022 Board Meeting Calendar/Schedule

Mr. Cruz presented a draft meeting schedule similar to the 2021 schedule with Board Meetings on the last Wednesday of each month, no meeting scheduled in July or November, and the December meeting on the 14th to accommodate the holidays. **Mayor Chris Boswell made a motion to approve the 2022 Board Meeting Calendar/Schedule as presented. Commissioner Eleazar Guajardo seconded the motion and upon a vote the motion carried unanimously.**

Upon conclusion of Administration items President Guerra moved to item 5: Department Reports.

A. Community & Economic Development

Director Rick Carrera was recognized to address the following:

Program Action Items

1. Consideration and Action to Approve Tire Study Proposal

Mr. Carrera informed the Board that with their approval, staff will conduct a Scrap Tire Study for the region to identify beneficial uses of scrap tires. The LRGVDC would like to maximize beneficial resource use by identifying environmentally friendly options for scrap tires which also offer the possibility of economic stimulus. Taking action to create beneficial uses for scrap tires within the region will also likely help to responsibly manage problematic waste and maximize proper disposal. Mayor Rick Salinas asked if this study would pick up where we left off a few years ago and utilize the information obtained about a successful tire recycling operation run by a council of governments in Arkansas. Mr. Carrera stated that this study will be based on factors and data currently found in this area. Mayor Salinas asked if the Road-to-Recycling Tire Collection events that have taken place for the past several years would continue or if this study is aside of that event. Mr. Carrera stated that the tire collection events will continue, and that this study is aside of that. President Guerra added that illegal tire dumping will probably be an ongoing issue, but due to the Road-to-Recycling Tire Collection events, Willacy County seems to have it somewhat under control, and is hopeful that this study will help to reduce this problem. Dr. Rebecca Davio, Director for the Texas State Institute for Government Innovation was recognized and informed the Board that they will begin work on this study in January 2022, pending Board approval, and bring it back by December 2022. Upon conclusion of discussion, **Commissioner David Garza made a motion to approve the Tire Study Proposal. Commissioner Eleazar Guajardo seconded the motion, and upon a vote the motion carried unanimously.**

2. Consideration and Action to Approve Regional Water Resource Advisory Committee (RWRAC) Nomination for LRGV TPDES Stormwater Taskforce Position.

Mr. Carrera stated that at their November 3, 2021 meeting, the RWRAC made a recommendation for Mr. Roy Jimenez, Chief Building Official for the City of Donna, to serve as the LRGV Texas Pollutant Discharge and Elimination System Stormwater Taskforce's representative. Board approval is required to finalize this recommendation. **Commissioner David Garza made a motion to approve Mr. Roy Jimenez' nomination for the LRGV TPDES Stormwater Taskforce position as recommended by the**

RWRAC. Commissioner Eleazar Guajardo seconded the motion, and upon a vote the motion carried unanimously.

3. Consideration and Action to Approve Entering into a Contract for Economic Resiliency Plan

Mr. Carrera informed the Board that Thomas P. Miller & Associates was selected through a formal Request for Proposals (RFP) solicitation process to create this plan in light of recent natural disasters and the COVID-19 pandemic. The contract will be for \$125,000.00 and will provide an economic resiliency plan to address short-term and long-term economic development impacts and aid in the economic recovery for future pandemics and disasters. The funding for this plan comes from the Economic Development Administration. Several responses to the RFP were received and scored through a five (5) person scoring committee. Staff requests Board approval to enter into a contract with Thomas P. Miller & Associates to create the Economic Resiliency Plan. ***Mayor Rick Salinas made a motion to approve entering into a contract with Thomas P. Miller & Associates to create the Economic Resiliency Plan as requested. Councilwoman Norie Garza seconded the motion.*** Commissioner Garza raised a concern regarding the scoring tabulations. He noticed that evaluation #4 by Caso Law Firm, PLLC, gave zeros across the board and feels that this type of scoring could possibly be an effort to skew the tabulation, he noted that no other evaluators gave a score of zero. Other Board members also voiced concern about this scoring. Mr. Cruz commented that historically, when a score of zero is given, it is often due to the fact that the firm does not have the experience or capacity to undertake the project. Mr. Jim Darling commented that even with the zero scores, the overall average score and overall ranking results would not change. Mr. Cruz stated that to provide transparency, staff will go back and try to find out what factors and decisions led to the zero scores. Upon conclusion of discussion, ***President Guerra called for a vote and the motion carried with one abstention.***

Program Status Reports

Mr. Carrera noted that the standard program status reports were available for review in the meeting packet, and he announced that the Regional Small Cities Coalition is scheduled to meet tomorrow at 11:30 am in Port Isabel. He invited the Board to attend and added that this will be a hybrid meeting held both in person and online.

B. Health & Human Services

Director Joe Gonzalez was recognized to report on the following:

Area Agency on Aging Program Action Items

1. Consideration and Action to Approve Contractors for Direct Purchased Services Pool

Mr. Gonzalez informed the Board that the Advisory Council recommends approval to add eleven (11) contractors to the Area Agency on Aging's Contractor Pool. He explained that Case Managers utilize these contractors to purchase services such as residential repairs, medications, homemaker, and respite services for their clients. ***Mayor Oscar Montoya made a motion to approve the contractors for the Direct Purchased Services Pool as recommended by the Advisory Council. Councilwoman Norie Garza seconded, and upon a vote, the motion carried unanimously.***

Program Status Reports

Upon conclusion of action, Mr. Gonzalez noted that the status reports on the End of Medicare Part D Enrollment, Medicare Cost Savings Program, and the Advisory Council Membership were in the meeting packet for review.

C. Public Safety

Program Action Items

Director of Public Safety Randall Snyder was recognized and stated that Public Safety has nine (9) action items this month. Items 1 - 8 are standard housekeeping policy and procedural updates.

For the record, President Guerra read each item out loud, asked if there were any questions, then called for a motion on those 8 items.

1. Consideration and Action to Approve Homeland Security Advisory Committee (HSAC) Recommendation for Updates to Policies & Procedures for Homeland Security Grants Division (HSGD) Grants for FY 2022-23
2. Consideration and Action to Approve HSAC Reformation on Updates to HSAC Bylaws
3. Consideration and Action to Approve HSAC Recommendation on Update to Review Sheet for HSGD FY 2022-23 Grant Projects
4. Consideration and Action to Approve Criminal Justice Advisory Committee (CJAC) Recommendation on Update to CJAC Grant Policies & Procedures for Criminal Justice Division (CJD) FY 2022-23 Grants
5. Consideration and Action to Approve CJAC Recommendation on Update to CJAC Review Sheet for CJD FY 2022-23 Grants
6. Consideration and Action to Approve Regional Police Academy Advisory Committee Members for 2021-2023 Biennium
7. Consideration and Action to Approve Regional Police Academy Fraternalization Policy
8. Consideration and Action to Approve Regional Police Academy Updated Curriculum Enhancement

Mayor Oscar Montoya made a motion to approve items 5. C. 1-8 as presented. Mayor Javier Villalobos seconded the motion. President Guerra called for a vote on these items and the vote carried unanimously.

9. Consideration and Action to Approve Increase in Purchasing Threshold that Requires LRGVDC Board Approval from \$25,000 to \$50,000 for Rio Grande Valley Emergency Communication District

The RGVECD Board of Managers approved this request at their October 20, 2021 meeting and it is duly recorded in the minutes from that meeting. This request is in response to the frequent purchases requested by the RGVECD. These purchases frequently exceed the current threshold. Based on the needs of the Public Safety Answering Points (PSAP) and lessons learned from previous disasters, staff has experienced the need to make purchases in excess of \$25,000 to maintain operational capabilities.

Mayor Oscar Montoya informed the Board that he sits on the RGVECD Board of Managers, and after the October 20, 2021 meeting he considered that the purchasing threshold should be raised to \$100,000; ***he then made a motion to further increase the purchasing threshold for the RGVECD to \$100,000 and that all purchases should be reported to the Board of Managers.***

Mr. Cruz stated that after reviewing purchases made over the past year by the 9-1-1/ECOMMS Department, now the RGVECD, that most purchases for the Public Safety Answering Points and for 9-1-1 dispatch equipment are over \$50,000. He reminded the Board that when the RGVECD was established, they adopted the LRGVDC Procurement Policy which specifies that any purchase over

\$25,000 requires approval by the LRGVDC Board of Directors. Revising the purchasing policy for the RGVECD would provide flexibility to purchase necessary equipment in an expeditious manner, Mr. Cruz added that any and all purchases by the RGVECD are brought before the RGVECD Board of Managers for their review.

Mr. Jim Darling recommended that the RGVECD Board of Managers should consider further increasing the purchasing threshold to \$100,000, and for today, that the LRGVDC Board of Directors take action on increasing it to \$50,000 as presented. *Mayor Oscar Montoya withdrew his motion to increase the threshold to \$100,000.* Upon conclusion of discussion *Mayor Rick Salinas made a motion to approve increasing the purchasing threshold that requires LRGVDC Board Approval from \$25,000 to \$50,000 for the Rio Grande Valley Emergency Communication District as presented. Commissioner Eleazar Guajardo seconded the motion.* There being no further discussion, *President Guerra called for a vote, and the motion carried unanimously.*

Program Status Reports

Mr. Snyder stated that the status reports for Public Safety programs and the Rio Grande Valley Emergency Communication District were available in the meeting packet for review and he highlighted the recent Regional Police Academy graduations.

D. Transportation

Valley Metro Director Maribel Contreras was recognized to report on the following items:

Program Action Items

1. Consideration and Action to Approve Revised LRGVDC Transit Services Department DOT Physical Exam Policy

Ms. Contreras informed the Board that the LRGVDC Transit Services Department DOT Physical Exam Policy was revised to include the addition of Non-CDL Drivers for flex and demand response routes. The Policy states that Non-CDL drivers may be required to undergo physical exams in accordance with LRGVDC – Valley Metro Operating Policies and Procedures Manual. *Commissioner Eleazar Guajardo made a motion to approve the revised LRGVDC transit Services Department DOT Physical Exam Policy as presented. Mayor Oscar Montoya seconded the motion and upon a vote the motion carried unanimously.*

2. Consideration and Action to Approve LRGVDC Regional Transit Services Department Privacy Policy for Mobile Applications

Ms. Contreras stated that the Privacy Policy for Mobile Applications governs the customers' use of the software application for mobile devices offered by the LRGVDC-Valley Metro. The purpose is to make users aware of the use of information collected by the app, geo location of customers and passengers, third party use of information, opt-out rights of customers and passengers, and the security of their personal information. *Mr. Jim Darling made a motion to approve LRGVDC Regional Transit Services Department Privacy Policy for Mobile Applications. Mayor Oscar Montoya seconded the motion, and upon a vote the motion carried unanimously.*

Program Status Reports

Ms. Contreras gave the ridership noting that ridership is starting to increase after the significant decline due to the COVID-19 pandemic. She also provided an update on the RGV Metro Express Service and informed the Board that there was a meeting in November of 2021 to review the 2022 RGV Metro Express service with partners McAllen Metro, Brownsville Metro, UTRGV and new potential partners the City of Harlingen

and the City of Edinburg. In the past, Valley Metro received funding from TxDOT as well as local partners to fund this service, but since TxDOT is no longer providing this funding, Valley Metro will use FTA funds for FY 2022. In addition to that, Valley Metro will need local funds to keep the service going. The cost of the RGV Metro Express service is \$748,518 and requires a local match of \$294,351; this breaks down to \$49,061.89 between the partners. The City of McAllen has committed to the project, and so is the City of Harlingen. Harlingen will soon submit a letter of intent and take this item before their City Commission in January. The City of Edinburg would like to participate and have input regarding route adjustments and for the service to include a stop at the new Edinburg Terminal; they will probably take this item to their City Council at midyear 2022. UTRGV's participation is contingent upon contributions from other partners, and the City of Brownsville recently gave their commitment. Ms. Contreras emphasized that the Metro Express service is essential for the RGV as it runs from Brownsville to Harlingen, to McAllen, and to Edinburg. To emphasize the importance of this route, Ms. Contreras stated that before the COVID-19 pandemic Metro Express provided 6,000 trips per month, and even during the pandemic this route averaged 2,000 trips per month. Ms. Contreras thanked the Board for their support of this service.

RGVMPO Status Report

RGVMPO Executive Director Andrew Canon was recognized and announced that the RGVMPO has an open house for their new offices in Edinburg on Thursday, December 16, 2021, at 6:00 pm and invited the Board to attend.

Item 6. - New or Unfinished Business

President Guerra commented that this morning there was a press release for the Rio Grande Valley Emergency Communication District (RGVECD), which was formed through the leadership of this Board, and Executive Director Manuel Cruz. President Guerra added that he also sits on the RGVECD Board of Managers and is pleased how this new District is quickly coming together to enhance and improve the Emergency Communication service in Hidalgo and Willacy Counties. There were positive comments regarding the Cameron County Emergency Communication District and that the RGVECD is following their good example. President Guerra emphasized that the RGVECD was made possible by the efforts of this Board and thanked them for their leadership on this endeavor.

Mr. Jim Darling reminded the Board that the reservoir water storage at Amistad and Falcon is below 40% and encouraged the entities that have water operations to make sure they are in compliance with their water conservation and drought contingency plans, especially if they want to seek funding from the Texas Water Development Board.

Item 7. – Adjourn.

There being no further business to come before the Board, ***President Guerra called for a motion to adjourn. Commissioner David Garza made a motion to adjourn, Commissioner Eleazar Guajardo seconded, and the meeting was adjourned at 1:07 pm.***



Judge Aurelio Guerra, President

ATTEST:



Deborah Morales, Recording Secretary