

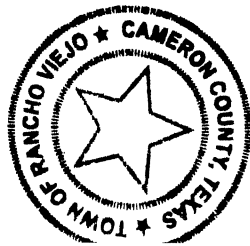


NOTICE OF A PUBLIC MEETING
TOWN OF RANCHO VIEJO
BOARD OF ALDERMEN
REGULAR MEETING
APRIL 10, 2018
6:00 P.M.

NOTICE is hereby given of a REGULAR MEETING of the BOARD OF ALDERMEN of the TOWN OF RANCHO VIEJO, TEXAS, to be held on APRIL 10, 2018 at 6:00 P.M., in the TOWN MUNICIPAL OFFICE, 3301 CARMEN AVENUE, RANCHO VIEJO, TEXAS to consider the following items:

1. Call to Order
2. Roll Call
3. Invocation and Pledge
4. Public Comment
5. Approval of Minutes - Regular Meeting February 13, 2018, Special Meeting February 20, 2018 and Regular Meeting March 6, 2018
6. Presentation and Consideration of Acceptance of Audit Report for Fiscal Year Ending September 30, 2017
7. Consideration/Action on Reappointment of Member to the Planning and Zoning Commission
8. Consideration/Action on Appointment of Member to the Board of Adjustments and Appeals
9. Consideration/Action on Appointment of Members to the Human Resources Committee
10. Consideration/Action on Resolution on Appointment of Election Judges, Appointment of Early Voting Ballot Board, and Rate of Pay for Election Judges
11. Consideration/Action on an Ordinance of the Board of Aldermen of the Town of Rancho Viejo, Texas ("Town") approving a Negotiated Resolution Between Cities and Texas Gas Service ("TGS" or "The Company") Regarding the Company's Cost of Service Adjustment ("COSA") Tariff Filing; Adopting a Savings Clause; Determining that this Ordinance was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Declaring an Effective Date; Repealing Any Prior Ordinances Inconsistent with this Ordinance; and Requiring Delivery of this Ordinance to the Company and the Cities' Legal Counsel
12. Consideration/Action on Resolution of the Board of Aldermen of the Town of Rancho Viejo, Texas Opposing Application Number 18357 and Application Number 18358 for 9% Low Income Housing Tax Credits with the Texas Department of Housing and Community Affairs
13. Consideration/Action to designate the Town of Rancho Viejo Town Hall as an Early Voting Site for the Democratic Runoff Elections to be held on Tuesday, May 22, 2018: The Dates and Times are as Follows: Monday, May 14, 2018 through Wednesday, May 16, 2018 from 9:00 A.M. to 6:00 P.M.
14. Consideration/Action to Reschedule May Regular Meeting
15. Street Committee Report
16. Human Resources Committee Report
17. March 2018 Police Report - Police Chief
18. Public Comment
19. Adjourn


Fred Blanco, Town Administrator



1. Call to Order by Mayor Rathbun

2. Roll Call

by Isabel Perales

Aldерwoman Guerrero

Alderman Lucio

Aldерwoman Salinas

Aldерwoman Truan

Alderman Vera

Legal Counsel, Daniel Rentfro, Jr.

Town Administrator, Fred Blanco.

3. Invocation and Pledge

The pledge of allegiance to the United States Flag:

“I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.”

And the pledge of allegiance to the Texas State Flag is,

“Honor the Texas Flag; I pledge allegiance to thee, Texas, one state under God, one and indivisible.”

4. Public Comment

5. Approval of Minutes -

Regular Meeting February 13, 2018

Special Meeting February 20, 2018 and

Regular Meeting March 6, 2018

MINUTES OF A REGULAR MEETING
TOWN OF RANCHO VIEJO
FEBRUARY 13, 2018

A Regular Meeting of the Board of Aldermen of the Town of Rancho Viejo, Texas, was held on, February 13, 2018 at 6:00 P.M., in the Town Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas to consider the following items:

1. CALL TO ORDER:

The meeting was called to order by Mayor Rathbun at 6:05 P.M.

2. ROLL CALL:

Roll call was made by Fred Blanco, Town Administrator. Members present at the meeting were:

Ms. Grace Salinas

Ms. Bitty Truan

Mr. Javier Vera

Members absent:

Mrs. Maribel Guerrero

Mr. Erick Lucio

A quorum was present at the meeting.

Legal counsel Daniel Rentfro, Jr. was present at the meeting.

Those present in the audience were:

Rosalinda Tijerina

Scott Fry, VMUD#2

Chief M. Cruz, Jr.

3. INVOCATION AND PLEDGE:

Alderman Salinas led the group in the invocation and pledge of allegiance to the American and Texas flags.

4. PUBLIC COMMENT:

Mayor Rathbun mentioned the last day to sign up for the Town election is Friday, February 16, 2018 at 5:00 P.M. She mentioned that it was not on the agenda but that there might be a possible Ordinance about the creation of a Human Resource Committee. It must begin soon in preparation for the budget period to review all of the policies. A Special Meeting is scheduled for next Tuesday, February 20, 2018 at 6:00 P.M. to make committee appointments. Mayor Rathbun also stated that she had been nominated to the Hidalgo Star Walk of Fame and a reception will be held at the State Farm Arena in Hidalgo on Wednesday, February 28, 2018 at 6:30 P.M. with dinner following at 7:00 P.M.

11. CONSIDERATION/ACTION ON A MASTER FLOOD HAZARD PREVENTION ORDINANCE FOR THE TOWN OF RANCHO VIEJO, TEXAS; PROVIDING FOR STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE, METHOD OF REDUCING FLOOD LOSSES, DEFINITIONS, DEFINING THE LAND SUBJECT TO THE ORDINANCE, DISCLAIMER OF LIABILITY, APPOINTING THE TOWN INSPECTOR AND/OR THE TOWN SECRETARY AS THE FLOOD PLAIN ADMINISTRATOR AND PROVIDING HIS DUTIES AND RESPONSIBILITIES, PERMIT PROCEDURE, VARIANCE PROCEDURE, PROVISION FOR FLOOD HAZARD REDUCTION, STANDARDS FOR SUBDIVISION APPROVAL, STANDARDS FOR SPECIAL REQUIREMENTS REGARDING FLOOR ELEVATION, PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE AND

PROVISIONS FOR A GENERAL PENALTY OF FIVE HUNDRED DOLLARS (\$500.00) FOR ANY VIOLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION FORM:

Mr. Scott Fry, General Manager for the Valley Municipal Utility District No. 2 talked about the new FEMA Flood Zone Maps that were updated in the coastal areas, the Rancho Viejo zone is not changing in the mean time. Mr. Fry mentioned that the maps have been accepted by the county and take effect on February 16, 2018. There were several questions from the board. Mr. Fry recommended the approval of the flood maps. Mayor Rathbun noted that there were some articles to add to the model ordinance.

Motion was made by Alderman Salinas, seconded by Alderman Truan, and unanimously carried, to approve Ordinance No. 227 – AN ORDINANCE A MASTER FLOOD HAZARD PREVENTION ORDINANCE FOR THE TOWN OF RANCHO VIEJO, TEXAS; PROVIDING FOR STATUTORY AUTHORIZATION, FINDINGS OF FACT, STATEMENT OF PURPOSE, METHOD OF REDUCING FLOOD LOSSES, DEFINITIONS, DEFINING THE LAND SUBJECT TO THE ORDINANCE, DISCLAIMER OF LIABILITY, APPOINTING THE TOWN INSPECTOR AND/OR THE TOWN SECRETARY AS THE FLOOD PLAIN ADMINISTRATOR AND PROVIDING HIS DUTIES AND RESPONSIBILITIES, PERMIT PROCEDURE, VARIANCE PROCEDURE, PROVISION FOR FLOOD HAZARD REDUCTION, STANDARDS FOR SUBDIVISION APPROVAL, STANDARDS FOR SPECIAL REQUIREMENTS REGARDING FLOOR ELEVATION, PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE AND PROVISIONS FOR A GENERAL PENALTY OF FIVE HUNDRED DOLLARS (\$500.00) FOR ANY VIOLATION; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PUBLICATION FORM, and to include Article 6 Section A and B and Article 7 Section B, C and D, to be carried over from the existing Ordinance.

5. APPROVAL OF MINUTES - JANUARY 9, 2018

Motion was made by Alderman Salinas, seconded by Alderman Vera, and unanimously carried, to approve the Minutes for the Regular Meeting held on January 9, 2018, as written.

6. DECEMBER 2017 FINANCIAL REPORT - TOWN ADMINISTRATOR:

Town Administrator Fred Blanco went over the December 2017 financial report and the bank balances for the General Account, Debt Account, Police Asset Forfeiture Account and the Certificates of Obligation Account and all interests.

7. JANUARY 2018 POLICE REPORT - POLICE CHIEF:

Police Chief Cruz went over all of the items on the January 2018 Police Report.

8. CONSIDERATION/ACTION TO DECLARE ONE 2012 CHEVROLET TAHOE (POLICE UNIT) SURPLUS PROPERTY TO BE SOLD AND AUTHORIZE THE CHIEF OF POLICE/MAYOR TO ACCEPT THE HIGHEST OFFER:

Motion was made by Alderman Salinas, seconded by Alderman Truan, and unanimously carried, to Declare one 2012 Chevrolet Tahoe (Police Unit) Surplus Property to be Sold and Authorize the Chief of Police/Mayor to Accept the Highest Offer.

9. CONSIDERATION/APPROVAL OF A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS, FOR THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, CRIMINAL JUSTICE DIVISION (CJD) OF THE GOVERNOR'S OFFICE IS SOLICITING GRANT APPLICATIONS FOR THE 2019 GRANT CYCLE BC BODY WORN CAMERA PROGRAM:

Motion was made by Alderman Vera, seconded by Alderman Salinas, and unanimously carried, to approve Resolution No. 313 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS, FOR THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR,

CRIMINAL JUSTICE DIVISION (CJD) OF THE GOVERNOR'S OFFICE IS SOLICITING GRANT APPLICATIONS FOR THE 2019 GRANT CYCLE BC BODY WORN CAMERA PROGRAM.

10. CONSIDERATION/APPROVAL OF A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS, FOR THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION, OPERATION BORDER STAR GRANT:

Motion was made by Alderman Truan, seconded by Alderman Vera, and unanimously carried, to approve Resolution No. 314 - A RESOLUTION OF THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS, FOR THE SUBMISSION OF A GRANT APPLICATION TO THE OFFICE OF THE GOVERNOR, HOMELAND SECURITY GRANTS DIVISION, OPERATION BORDER STAR GRANT.

12. DISCUSSION/REVIEW/POSSIBLE ACTION ON AMENDMENTS TO TOWN OF RANCHO VIEJO CODE OF ORDINANCES CHAPTER 70 - PARKING REGULATIONS, DIVISION 2 - RECREATIONAL VEHICLES AND DIVISION 3 - PARKING REGULATIONS; CONTAINING A PENALTY; PROVIDING FOR PUBLICATION; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT:

Mayor Rathbun stated that the current Ordinance needs to be revised and address parking issues. There was much discussion by the Board and Chief of Police about the existing Ordinance.

Motion was made by Alderman Vera, seconded by Alderman Salinas, and unanimously carried, to table this item for further discussion and for review at the next meeting.

13. CONSIDERATION/APPROVAL TO DESIGNATE THE TOWN OF RANCHO VIEJO TOWN HALL AS AN EARLY VOTING SITE FOR THE DEMOCRATIC AND REPUBLICAN PRIMARY ELECTIONS TO BE HELD ON TUESDAY, MARCH 6, 2018: THE DATES AND TIMES ARE AS FOLLOWS: TUESDAY, FEBRUARY 20, 2018 THROUGH FRIDAY, MARCH 2, 2018 9:00 A.M. TO 7:00 P.M.:

Motion was made by Alderman Truan, seconded by Alderman Salinas, and unanimously carried, to designate the Town of Rancho Viejo, Town Hall as an Early Voting Site for the Democratic and Republican Primary Elections to be held on Tuesday, March 6, 2018: with the correction on the Dates and Times to be Follows: Tuesday, February 20, 2018 through Friday, February 23, 2018 from 9:00 A.M. to 7:00 P.M.

14. STREET COMMITTEE REPORT:

This item was tabled for review at the next meeting.

15. PUBLIC COMMENT:

Mayor Rathbun and Mayor Pro-Tem Truan stated that they will discuss changing the date for the next Regular Meeting at the Special Meeting scheduled for February 20, 2018. Alderman Vera mentioned that he is running for Port Commissioner Place 4, in the May 5, 2018 Election. If he is elected he would have to resign as Alderman.

16. ADJOURN:

Motion was made by Alderman Vera, seconded by Alderman Salinas, and unanimously carried, to adjourn the meeting at 7:36 P.M.

BY: _____
Fred Blanco, Town Administrator

APPROVED: _____
Cyndie Rathbun, Mayor

DATE: _____

MINUTES OF A SPECIAL MEETING
TOWN OF RANCHO VIEJO
FEBRUARY 20, 2018

A Special Meeting of the Board of Aldermen of the Town of Rancho Viejo, Texas was held on February 20, 2018 at 6:00 P.M., at the Town Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas, the same being open to the public.

1. CALL TO ORDER:

The meeting was called to order by Mayor Cyndie Rathbun at 6:02 P.M.

2. ROLL CALL:

Roll call was made by Fred Blanco, Town Administrator. Members present were:

Mrs. Maribel Guerrero arrived at 6:05 P.M.

Ms. Grace Salinas

Mrs. Bitty Truan

Mr. Javier Vera

Members not present:

Mr. Erick Lucio

A quorum was present at the meeting.

Legal Counsel Daniel Rentfro, Jr. was present at the meeting. Town Administrator Fred Blanco was also present at the meeting.

Those present in the audience were:

Chief M. Cruz, Jr.

Esiquio Luna, Jr.

3. INVOCATION AND PLEDGE:

Mayor Rathbun led the group in the invocation and the pledge of allegiance to the American and Texas flags.

4. PUBLIC COMMENT:

There were no comments from the public.

5. DISCUSSION/REVIEW/ACTION ON AMENDMENTS TO TOWN OF RANCHO VIEJO CODE OF ORDINANCES CHAPTER 70 – PARKING REGULATIONS, DIVISION 2 – RECREATIONAL VEHICLES AND DIVISION 3 – PARKING REGULATIONS; CONTAINING A PENALTY; PROVIDING FOR PUBLICATION; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT:

Mayor Rathbun and Chief Cruz mentioned some of the issues on the enforcement of the current parking ordinance. She stated that the portion that is being changed was Chapter 70, Sec. 70-273, to park, store or leave to stand any recreational vehicle if it is present for any duration of time on 3 or more out of 7 consecutive days, with the exclusion of Sec. 70-274 that allows permit authorization for non-residents for up to 7 days with a parking permit from the Mayor's office.

After discussion, motion was made by Alderman Vera, seconded by Alderman Truan, and unanimously carried, to approve Ordinance No. 18FF – An Ordinance ON AMENDMENTS TO TOWN OF RANCHO VIEJO CODE OF ORDINANCES CHAPTER 70 – PARKING REGULATIONS, DIVISION 2 – RECREATIONAL VEHICLES AND DIVISION 3 – PARKING REGULATIONS; CONTAINING A PENALTY; PROVIDING FOR PUBLICATION; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT.

6. DISCUSSION/REVIEW/ACTION ON RESOLUTION ADOPTING BYLAWS FOR THE HUMAN RESOURCE ADVISORY COMMITTEE:

Motion was made by Alderman Truan, seconded by Alderman Vera, and unanimously carried, to approve Resolution No. 315 – A RESOLUTION ADOPTING BYLAWS FOR THE HUMAN RESOURCE ADVISORY COMMITTEE WITH THE CHANGE OF APRIL 30, 2018 ON PAGE 1 AND THE CHANGE OF APRIL 30 OF EACH YEAR ON PAGE 2.

7. PUBLIC COMMENT:

Alderman Vera asked about the Town’s election. Alderman Salinas mentioned Charro Days in February she mentioned that several cities have already registered for the Census and Historical Preservation awards will be held at the Cameron County Courthouse on Tuesday, February 27, 2018.

8. ADJOURN:

Motion was made by Alderman Truan, seconded by Alderman Vera, and unanimously carried, to adjourn the meeting at 7:24 P.M.

BY: _____
Fred Blanco, Town Administrator

APPROVED: _____
Cyndie Rathbun, Mayor

DATE: _____

MINUTES OF A REGULAR MEETING
TOWN OF RANCHO VIEJO
MARCH 6, 2018

A Regular Meeting of the Board of Aldermen of the Town of Rancho Viejo, Texas, was held on, March 6, 2018 at 6:00 P.M., in the Town Municipal Office, 3301 Carmen Avenue, Rancho Viejo, Texas to consider the following items:

1. CALL TO ORDER:

The meeting was called to order by Mayor Rathbun at 6:02 P.M.

2. ROLL CALL:

Roll call was made by Isabel Perales, Assistant Town Secretary. Members present at the meeting were:

Mrs. Maribel Guerrero

Ms. Grace Salinas

Ms. Bitty Truan

Mr. Erick Lucio arrived at 6:06 P.M.

Members absent:

Mr. Javier Vera

A quorum was present at the meeting.

Legal counsel Daniel Rentfro, Jr. was present at the meeting. Town Administrator Fred Blanco was also present at the meeting.

Those present in the audience were:

Esiquio "Zeke" Luna, Jr.

Chief M. Cruz, Jr.

3. INVOCATION AND PLEDGE:

Alderman Salinas led the group in the invocation and pledge of allegiance to the American and Texas flags.

4. PUBLIC COMMENT:

Mayor Rathbun mentioned that there will be a Farmers Market on Thursday, March 8, 2018 from 3:00 P.M. – 6:00 P.M. She also gave everyone a reminder about the Town election coming up May 5, 2018.

5. FEBRUARY 2018 POLICE REPORT - POLICE CHIEF:

Chief Cruz went over all of the items for the February 2018 Police Report.

Erick Lucio arrived at 6:06 P.M.

6. CONSIDERATION/ACTION ON RESOLUTION AMENDING RESOLUTION NO. 312 - DESIGNATING THE METHOD OF VOTING:

Motion was made by Alderman Truan, seconded by Alderman Guerrero, and unanimously carried, to approve Resolution No. 312A – A RESOLUTION AMENDING RESOLUTION NO. 312–DESIGNATION OF METHOD OF VOTING IN THE MAY 5, 2018 TOWN OF RANCHO VIEJO ELECTION.

7. CONSIDERATION/ACTION ON AN ELECTION EQUIPMENT LEASE AGREEMENT WITH CAMERON COUNTY:

Town Administrator, Fred Blanco stated that the lease agreement is for the election equipment only. Motion was made by Alderman Lucio, seconded by Alderman Guerrero, and unanimously carried, to approve the agreement with Cameron County for the Lease of Election Equipment.

8. PUBLIC COMMENT:

Alderman Guerrero mentioned that she will be meeting with the Street Engineer to do a walk through and to review the records of the lab results. The Town has been in contact with the engineer about the evaluations and data support and about remediating some issues that came out in the lab testing.

9. EXECUTIVE SESSION – PURSUANT TO SECTION 551.071(2) OF THE TEXAS GOVERNMENT CODE TO HOLD A PRIVATE CONSULTATION WITH THE TOWN ATTORNEY ON A MATTER IN WHICH THE DUTY OF THE ATTORNEY TO THE TOWN UNDER THE TEXAS DISCIPLINARY RULES OF PROFESSIONAL CONDUCT OF THE STATE BAR OF TEXAS CLEARLY CONFLICTS WITH CHAPTER 551:

Motion was made by Alderman Guerrero, seconded by Alderman Salinas, and unanimously carried, to go into Executive Session – Pursuant to Section 551.071(2) of the Texas Government Code to hold a private consultation with the Town Attorney on a matter in which the duty of the attorney to the Town under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 at 6:20 P.M.

The meeting was reconvened at 7:20 P.M.

10. ADJOURN:

Motion was made by Alderman Lucio, seconded by Alderman Guerrero, and unanimously carried, to adjourn the meeting at 7:20 P.M.

BY: _____
Fred Blanco, Town Administrator

APPROVED: _____
Cyndie Rathbun, Mayor

DATE: _____

6. Presentation and Consideration of Acceptance of Audit Report for Fiscal Year Ending September 30, 2017

7. Consideration/Action on Reappointment of Member to the Planning and Zoning Commission

Mayor Rathbun to recommend the reappointment of John Champion as a member of the Planning and Zoning Commission for a two year term.

8. Consideration/Action on Appointment of Member to the Board of Adjustments and Appeals

Mayor Rathbun to recommend the appointment of Esiquio Luna, Jr. as a member of the Board of Adjustments and Appeals for a two year term.

9. Consideration/Action on Appointment of Members to the Human Resources Committee

10. Consideration/Action on
Resolution on Appointment of
Election Judges, Appointment of
Early Voting Ballot Board, and Rate
of Pay for Election Judges

RESOLUTION NO.

A RESOLUTION ON APPOINTMENT OF ELECTION
JUDGES, APPOINTMENT OF EARLY VOTING BALLOT
BOARD, AND RATE OF PAY FOR ELECTION JUDGES

WHEREAS, an election has been ordered for the purpose of voting for three (3) Aldermen for a two year term for the Town of Rancho Viejo, Texas on May 5, 2018.

NOW THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS:

Section 1. The following named persons are hereby appointed as officers of said election, to wit:

Silvia Leyendecker
Presiding Judge

Esperanza Perez
Alternate Presiding Judge

and Rosalinda Tijerina, Clerk to assist in holding said election, and said presiding judge shall be paid \$10.00 per hour and said alternate presiding judge and clerk shall be paid \$8.00 per hour.

Section 2. The Early Voting Ballot Board shall be appointed as follows: (To Be Announced), Presiding Judge, (To Be Announced), Alternate Presiding Judge, and (To Be Announced), Clerk. Said Early Voting Ballot Board shall serve as the central counting station for the early voting electronic system ballots. Said presiding judge shall be paid \$10.00 per hour and said alternate presiding judge and clerk shall be paid \$8.00 per hour.

PASSED, ADOPTED AND APPROVED this the 10th day of April, 2018.

Town of Rancho Viejo

Cyndie Rathbun, Mayor

ATTEST:

Fred Blanco, Town Secretary

11. Consideration/Action on an Ordinance of the Board of Aldermen of the Town of Rancho Viejo, Texas (“Town”) approving a Negotiated Resolution Between Cities and Texas Gas Service (“TGS” or “The Company”) Regarding the Company’s Cost of Service Adjustment (“COSA”) Tariff Filing; Adopting a Savings Clause; Determining that this Ordinance was Passed in Accordance with the Requirements of the Texas Open Meetings Act; Declaring an Effective Date; Repealing Any Prior Ordinances Inconsistent with this Ordinance; and Requiring Delivery of this Ordinance to the Company and the Cities’ Legal Counsel

Model Staff Report in Support of TGS COSA Tariff Ordinance

Background

On March 12, 2018, Texas Gas Service Company, a Division of ONE Gas, Inc., (“TGS” or “Company”) filed with the Cities a Cost of Service Adjustment (“COSA”) Tariff within the incorporated areas of the Rio Grande Valley Service Area (“RGVSA”). On February 1, the Company provided an initial draft of a proposed COSA containing new language for consideration. Attorney, Thomas Brocato, and consultant, Karl Nalepa, were hired by the City of McAllen to review the TGS draft filing and negotiate a revised COSA Tariff with the Company.

Purpose of the COSA

The Texas Legislature allows gas utilities to annually adjust rates based on changes to invested capital. That statutory provision is referred to as the Gas Reliability Infrastructure Program (“GRIP”). In a GRIP proceeding, cities are not allowed to intervene at the Railroad Commission, cannot challenge the reasonableness of any investment, and may not recover rate case expenses. In 2009, RGVSA Cities negotiated a COSA tariff as a three year experimental substitute for the GRIP process. Finding the COSA process to be mutually beneficial, the COSA process was renewed at the end of the experiment. In 2012, Cities and TGS agreed to a revised COSA tariff which expired in 2016. TGS filed a Statement of Intent Rate Proceeding in RGVSA cities in 2017. This tariff is a new revised COSA Tariff negotiated between TGS and cities. The new tariff will become effective thirty-five days from the date of filing in the Cities, or April 16, 2018.

As set forth in the COSA Tariff, TGS would submit by May 1 of each year a COSA filing that establishes the proposed annual adjustment (up or down) that would be effective the first billing cycle of August each year.

This COSA Tariff would be authorized for a period of three years, effective the first billing cycle of August 2018 and shall automatically renew for successive annual periods unless either the Company or City gives written notice to the contrary by February 1, 2021, or February 1 of each succeeding year.

Resolution of the Draft COSA Filing

Cities’ consultant Karl Nalepa recommended adjustments to the Company’s draft COSA Tariff. Settlement discussions resulted in TGS agreeing to:

1. Change the initial period from 1 year to 3 years;
2. Apply the first \$.50 of the residential rate adjustment to the residential Customer Charge, with the excess applied to the Commodity Charge;
3. Lower the annual rate adjustment cap from 6% to 5%;

4. Apply the annual rate adjustment cap to the total Commodity Charge rather than only operating expenses; and
5. Calculating cash working capital (“CWC”) using lead/lag days from the most recent RGVSA rate case rather than just setting CWC to \$0.

EXPLANATION OF “BE IT ORDAINED” PARAGRAPHS IN THE ORDINANCE

- Section 1. The paragraph finds the COSA Tariff reasonable and adopts the tariff.
- Section 2. This paragraph repeals any prior City action that might be inconsistent with the new tariffs adopted by the Council.
- Section 3. This paragraph recites compliance with the Open Meetings Act.
- Section 4. This paragraph is a typical savings clause, preserving the remaining provisions of the Ordinance should any one provision be determined to be invalid.
- Section 5. The tariff will become effective as of April 16, 2018.
- Section 6. This paragraph requires that an adopted and signed copy of the Ordinance be sent to the Company and general counsel to the City.

RECOMMENDATION

The City staff recommends adoption of the Tariff.

ORDINANCE NO.

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS, ("TOWN") APPROVING A NEGOTIATED RESOLUTION BETWEEN CITIES AND TEXAS GAS SERVICE ("TGS" OR "THE COMPANY") REGARDING THE COMPANY'S COST OF SERVICE ADJUSTMENT ("COSA") TARIFF FILING; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; REPEALING ANY PRIOR ORDINANCES INCONSISTENT WITH THIS ORDINANCE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE CITIES' LEGAL COUNSEL

WHEREAS, the Town of Rancho Viejo, Texas ("Town") is a gas utility customer of Texas Gas Service ("TGS" or "the Company"), and a regulatory authority with an interest in the rates and charges of TGS; and

WHEREAS, the Town and other municipalities within the Rio Grande Valley Service Area ("RGVSA") and TGS worked collaboratively to develop the Cost of Service Adjustment ("COSA") Tariff which allows for an expedited comprehensive rate review process for three years; and

WHEREAS, the COSA Tariff contemplates reimbursement of the Cities' reasonable expenses associated with COSA applications; and

WHEREAS, on or about March 12, 2018, TGS filed with the Town a COSA Tariff which would permit the TGS to implement annual rate changes to the Company's RGVSA expenses, revenues, and plant investment beginning in August, 2018, without the need for filing a formal Statement of Intent to Increase Rates; and

WHEREAS, the Cities coordinated a review of the Company's COSA Tariff and designated attorneys and consultants to resolve issues in the Company's COSA Tariff; and

WHEREAS, the Cities' attorneys and consultant recommend that the Town approve the COSA Tariff which is attached; and

WHEREAS, the negotiated resolution of the Company's COSA Tariff filing is in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE TOWN OF RANCHO VIEJO, TEXAS:

Section 1. That the Board of Aldermen finds that the Cost of Service Adjustment Tariff is reasonable and the new tariff attached to this Ordinance is just and reasonable and is hereby adopted.

Section 2. That to the extent any resolution or ordinance previously adopted by the Board is inconsistent with this Ordinance, it is hereby repealed.

Section 3. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.

Section 4. That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.

Section 5. That tariff attached to this Ordinance is effective as of April 16, 2018.

Section 6. That a copy of this Ordinance shall be sent to TGS, care of Stephanie Houle, Managing Director, at 1301 S. Mopac Expressway, Suite 400, Austin, Texas 78746, and to Thomas Brocato, General Counsel to the Cities, at Lloyd Gosselink Rochelle & Townsend, P.C., 801 Congress Avenue, Suite 1900, Austin, Texas 78701.

PASSED, ADOPTED AND APPROVED by the Board of Aldermen of the Town of Rancho Viejo, Texas, this 10th day of April, 2018.

Town of Rancho Viejo

Cyndie Rathbun, Mayor

ATTEST:

Fred Blanco, Town Administrator

12. Consideration/Action on Resolution of the Board of Aldermen of the Town of Rancho Viejo, Texas Opposing Application Number 18357 and Application Number 18358 for 9% Low Income Housing Tax Credits with the Texas Department of Housing and Community Affairs

RESOLUTION NO.

THE TOWN OF RANCHO VIEJO, TEXAS
Unanimous Resolution of the Board of Aldermen

Opposing Application Number 18357 and Application Number 18358

The Board of Aldermen of the Town of Rancho Viejo, Texas (the "Town") do, by this writing, consent to the following resolution:

WHEREAS, Application Number 18357 and Application Number 18358 are applications for 9% low income housing tax credits (collectively, the "Applications") and are pending with the Texas Department of Housing and Community Affairs ("TDHCA"); and,

WHEREAS, the Applications are to develop low income housing south of and adjacent to an unpaved portion of El Dorado Avenue (the "Property"); and,

WHEREAS, the Property is located less than one-half mile outside of the Town's corporal limits; and,

WHEREAS, pursuant to Section 42.0235 of the Texas Local Government Code, the Town considers the Property to therefore be located within its extraterritorial jurisdiction; and,

WHEREAS, the Town believes that the proposed locations of the proposed developments described in the Applications are inappropriate for housing use and cannot be adequately mitigated based on the current form of the Applications; and,

WHEREAS, consistent with TDHCA's procedures for submitting written public comment, the Town wishes to adopt this Resolution to express its opposition to the Applications;

NOW, THEREFORE, BE IT RESOLVED, as follows:

THAT, the Town believes that the Applications do not sufficiently address access to and from the Property as the Property is adjacent to El Dorado Avenue, which is unpaved, and, even if paved, does not otherwise provide adequate access for the traffic flow that would occur as a result of both housing developments being built.

FURTHER THAT, this access issue could perhaps be adequately mitigated if both housing developments constructed paved access to the frontage road of 77/83 S; however, to the Town's knowledge, the Applications do not provide for this.

FURTHER THAT, the Town therefore opposes the Applications on the grounds that the Applications do not sufficiently address access to and from the housing developments and therefore render the Property inappropriate for housing and this issue cannot be adequately mitigated under the current form of the Applications pursuant to 10 TEX. ADMIN. CODE § 10.101(a)(2)(K).

FURTHER THAT, the Property is more than 500 feet from active railroad tracks; however, there are active railroad tracts within _____ feet of the boundary of the Property and the Town has not adopted a Railroad Quiet Zone and the railroad in question is neither commuter nor light rail.

ADOPTED on this ____ day of April 2018.

TOWN OF RANCHO VIEJO, TEXAS

By: _____
Cyndie Rathbun, Mayor

ATTESTED BY:

Fred Blanco, Town Administrator

13. Consideration/Action to designate the Town of Rancho Viejo Town Hall as an Early Voting Site for the Democratic Runoff Elections to be held on Tuesday, May 22, 2018: The Dates and Times are as Follows: Monday, May 14, 2018 through Wednesday, May 16, 2018 from 9:00 A.M. to 6:00 P.M.



REMI GARZA, CERA
ELECTIONS ADMINISTRATOR

March 23, 2018

Mr. Alfredo Blanco
Manager
Rancho Viejo City Hall
3301 Carmen Ave.
Olmiteo, Texas 78575

Dear Mr. Blanco

This is our official request to designate the following location as an Early Voting site for the Democratic Runoff Elections to be held on Tuesday, May 22, 2018:

Town of Rancho Viejo City Hall, 3301 Carmen Ave., Rancho Viejo, Texas

The dates and times for early voting are as follow:

Monday, May 14 thru Wednesday, May 16

9:00 a.m. to 6:00 p.m.

If you agree, we will be delivering voting equipment a few days before Election Day begins. It will need to be stored in a secure area and be available during the election. We will also need three (3) folding tables, (4-6) chairs and working 120-volt electrical plugs for the equipment.

Upon consideration and agreement, please fax us a confirmation letter at (956) 550-7298 or email it to Maribel.diaz@co.cameron.tx.us. We greatly appreciate your help in making the approaching elections a success.

Thank you in advance for your consideration to this request.

Sincerely,


Remi Garza
Elections Administrator

14. Consideration/Action to Reschedule May Regular Meeting

The May Regular Meeting is to be rescheduled for Tuesday, May 15, 2018 at 6:00 P.M. due to the election.

15. Street Committee Report

16. Human Resources Committee Report

17. March 2018 Police Report - Police Chief

18. Public Comment

19. Adjourn