WESLACO CITY COMMISSION

REGULAR MEETING

NOVEMBER 17, 2009

On this 17th day of November, 2009 at 6:00 p.m., the City Commission of the City of Weslaco, Texas convened in Regular Session at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue and the following members were present.

NOTE: If any accommodation for a disability is required, notify the City Secretary's Office at (956) 968-3181, Ext 3101 prior to the meeting date.

NOTE: If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the City Commission will convene in such executive or closed session 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 Texas Open Meetings Act.

Mayor	Buddy de la Rosa
Mayor Pro-Tem	Rene Rodríguez, Jr.
Commissioner	Robert J. Garza
Commissioner	J.F. "Johnny" Cuellar
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Patrick B. Kennedy
City Manager	Francisco Castellanos
City Secretary	Amanda C. Elizondo
City Attorney	Ramon Vela

Also present: Omar Gonzales, Finance Director; Pete Garcia, Parks & Recreation Director; Gloria Sepulveda, Purchasing Director, Bernard Rodriguez, Interim Planning and Code Enforcement Director; and several staff members and citizens. Mayor de la Rosa called the meeting to order, a quorum was established and the following proceedings were held.

Pastor Steven Parker, from First Baptist Church of Weslaco gave the invocation. Mayor de la Rosa recited the Pledge of Allegiance and Mayor Pro-Tem Rodriguez proceeded with the Pledge to the Texas Flag.

I. CONSENT AGENDA

NOTICE TO THE PUBLIC

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being

discussed separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

A. Approval of Minutes

1. Special Meeting of October 13, 2009
2. Regular Meeting of November 3, 2009

B. Second and final reading of the following ordinances:

1. Ordinance No. 2009-27 amending Zoning Ordinance No. 320 and the Zoning Map of the City of Weslaco to change the zoning of a 1.20 acre gross 1.16 acre net, E-78'-W 156' S 670.19', Farm Tract 1037 Tract 2, Adams Tract Subdivision, at 2723 E. Pike Blvd. from "R-1" One Family Dwelling District to "B-2" Secondary & Highway District. Possible action.

2. Ordinance No. 2009-28 amending Zoning Ordinance No. 320 and the Zoning Map of the City of Weslaco to change the zoning of Lots 1, 2, and 3, Block 14, Ramona Subdivision, at 520 E. Los Toritos Street, from "R-1" One Family Dwelling District to "R-2" Duplex & Apartment District. Possible action.

Motion was made by Commissioner Kennedy and seconded by Commissioner Cuellar to approve the consent agenda as presented. Motion carried unanimously.

For the record, Ordinance No. 2009-28 was posted as second and final reading on the agenda of November 17, 2009, but was denied on first reading November 3, 2009; therefore, it dies due to natural cause. (NOT APPROVED).

For the record, the following ordinance read as follows:

ORDINANCE NO. 2009-27

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF A 1.20 ACRE GROSS 1.16 ACRE NET, E- 78'- W 156' S 670.19', FARM TRACT 1037 TRACT 2, ADAMS TRACT SUBDIVISION, AT 2723 E. PIKE BLVD, FROM "R-1" SINGLE FAMILY DWELLING DISTRICT TO "B-2" SECONDARY & HIGHWAY DISTRICT.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 3rd day of November, 2009.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 17th day of November, 2009.

CITY OF WESLACO

/s/ Buddy de la Rosa, R. Ph.
MAYOR

ATTEST:
/s/ Amanda C. Elizondo, CITY SECRETARY
APPROVED AS TO FORM:
/s/ Ramon Vela, CITY ATTORNEY

II. PUBLIC COMMENTS

A member of the public or the governmental body may make comments on subjects for which notice has been given and which are on the agenda Section 551.042, Texas Open Meetings Act. Public comments will be limited to three (3) minutes.

Eddie Gutierrez, resident of 1216 S. Presa from San Antonio; Mary Cerda, 816 S. Indiana; Rosie Guerra, 616 W. San Benito; and Juanita Martinez, 409 E. Esplanada, residents indicated they were all in favor of the student alternative school.

Esmeralda Y. Rios, resident of 813 E. Pike stated the alternative school had been in existence since eleven years ago and was located between the properties of Channel 5 and Ford Dealership. She mentioned the crimes were done at the district, if there were any incidents at their school they would call the Police Department and the student(s) would be arrested. Ms. Rios stated the program was very well structured and invited everyone to visit their site.

Harry R. Hazzard, resident of 1501 N. Cage Drive, Pharr, Texas presented the following chart for the proposed rental fees for the Eugene A. Braught Auditorium.

SUGGESTED RENTAL RATES
FOR
BRAUGHT THEATER

Weekday			**Weekend**	
8 AM - 4 PM	5 PM - 9 PM		Noon - 4 PM	5 PM- 9 PM
$200.00	$250.00		$250.00	$300.00
Minimum	Minimum		Minimum	Minimum

PLUS ABOVE FEES OVER MINIMUM
$3.00 PER SOLD TICKET WITH
EACH TICKET APPLIED TOWARD TOTAL

100 TICKETS	$300.00 TOTAL
70 TICKETS	$210.00 TOTAL
90 TICKETS	$270.00 TOTAL
150 TICKETS	$450.00
200 TICKETS	$600.00

Javier E. Casanova, resident of 1717 N. Missouri Avenue, stated he represented the residents of North Missouri Avenue and Frost Proof Drive. He added the residents were concerned about the location of the alternative school. Mr. Casanova indicated the Weslaco Police Department had responded to the following calls within the past years and current:

2003-28; 2004-37; 2005-41; 2008-43 and 2009-60. He stated they were concerned about the traffic, and increase in crime. Mr. Casanova stated they were against the request.

III. VISITORS WITH BUSINESS

A. Progress report by Mr. James Parkey, Corplan Corrections, regarding the Family Housing Immigration Project for the City of Weslaco. Possible action.

James Parkey, President of Corplan Corrections of Texas and Ruben Gallejos, from the International Educational Centers stated they had been working on a family housing center for Weslaco. He pointed out February, 2009 the federal government suspended the grant application pending review of the immigration policies. Mr. Parkey stated there were some grant monies available for health human services and requested authorization to proceed with the preparation of a grant application. He added the application would be submitted before Christmas. Mr. Parkey stated the project would be operated and paid by the federal government and depending on the size of the project it could cost approximately $12 million to build. He indicated the funds would be derived from the Health and Human Services or other federal agencies. Mr. Parkey stated payment would depend on the property tax base or per diem for each individual. He mentioned this would generate income, jobs and economic development.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to authorize Mr. Parkey to proceed with the application process. Motion carried unanimously.

B. Presentation by Armando Barrera, Jr., Tax Assessor and Collector regarding the City of Weslaco's Annual Tax Collection Report from October 1, 2008 to September 30, 2009. Possible action.

Armando Barrera, Jr., Hidalgo County Tax Assessor and Collector highlighted the tax collection for fiscal year from October 1, 2008 to September 30, 2009. He mentioned the total tax collections was $9,723,656.44; total disbursements for commission & costs, refunds & attorney fees - $196,616.06; and the disbursement to the city was $9,527,040.38. Mr. Barrera stated the current levy total for 2008-2009 was $9,232,615.90; total collections were $8,518,971.68 (difference of .61%). He mentioned the current collections to date was $1,347,483.15; percentage collected on the delinquent taxes from last year was 21.56%, this year was 31.90% an increase of 10.34%.

IV. CITY MANAGER'S REPORT

A. Lighting Program for the City of Weslaco's Water Tower located at the 100 Block of South Kansas Avenue.

Mr. Francisco Castellanos, City Manager stated this was a small project in conjunction with the Weslaco Area Chamber of Commerce, the Economic Development Corporation of Weslaco and the City of Weslaco. He mentioned the chamber had been working on a lighting program for the water tower with an outside consultant. Mr.

Castellanos stated they were trying to utilize the water tower and the chamber would be requesting financial participation from the city.

V. MAYOR'S REPORT

A. Announcement of the Weslaco Independent School District Parental Involvement Week Proclamation.

Mayor de la Rosa announced he had signed and presented a Proclamation for Parental Involvement Week proclaiming the week of November 9th through November 13, 2009 at the South Texas College (STC).

B. Announcement of the Texas Department of Transportation (TxDOT) Forum to be held in Austin, Texas January 6th through January 8, 2010.

Mayor de la Rosa announced the Texas Department of Transportation (TX DOT) would be holding a forum in association with general contractors to improve the roads and streets in Texas.

C. Report on the Awards Ceremony honoring Mr. Marcel Albert with the Legion of Honor Grand Cross from France.

Mayor de la Rosa announced the most distinguished Awards Ceremony had been conducted at the Mid Valley Airport honoring Mr. Marcel Albert from Harlingen, Texas.

VI. BOARD APPOINTMENTS

A. Board of Adjustments and Appeals to the City of Weslaco Zoning Ordinance - One member's term expires December 18, 2009. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to reappoint Ernesto Martinez to the Board of Adjustments and Appeals to the City of Weslaco Zoning Ordinance. Motion carried unanimously.

B. Weslaco Housing Authority Board – One member's term expires November 20, 2009. Possible action.

Mayor de la Rosa reappointed Joe Vasquez to the Weslaco Housing Authority Board.

VII. OLD BUSINESS

A. Ordinance No. 2009-29 amending Ordinance No. 2004-44 adopted on September 21, 2004, The Master Fee Schedule Ordinance, to revise existing fees and establish new fees; and ordaining other matters with respect to the subject matter hereof. Possible action.

Mr. Castellanos recommended that the fees for the Eugene Braught Theater be

implemented so that the city could recoup the operation and maintenance cost. He stated the fees that the staff was recommending were reasonable and the city had invested over $55,000.00 to improve the theater.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to accept the fee schedule as presented.

Commissioner Kennedy referred to the cemetery fee for the babies' section and stated it had increased from zero dollars to $250.00. He recommended exempting this section from the schedule.

Mayor de la Rosa stated it would be best to treat hardship cases on an individual basis.

Mr. Castellanos responded there was a provision in the City Charter that allowed staff to make exceptions on a case by case basis.

Motion carried unanimously.

VIII. NEW BUSINESS

A. Status report from Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce regarding chamber activities. Possible action.

Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, highlighted the Chamber Annual Report and stated the advertising program was successful and they continued to advertise in Weslaco, Central Texas and in Mexico.

Commissioner Kennedy asked if the chamber would be expanding the advertisement to foreign markets.

Mrs. Noell stated they were already doing it and had done a British and German travel show.

Commissioner Tafolla referred to the Weslaco Merchants and stated he had a copy of a letter from a CPA from Floresville, Texas addressed to Weslaco Area Chamber of Commerce Board of Directors regarding shopping in Weslaco.

Mrs. Noell responded Rhonda Williams had been the CPA for many years, had been a Weslaco resident who had moved to Floresville. She stated she would address the concern to the board.

No action was taken.

B. Discussion and consideration to approve the revised guidelines and operation policies and procedures for the use of the Mayor Eugene A. Braught Memorial Theater Complex. Possible action.

Mr. Castellanos stated staff had reviewed the policies based on statement of responsibility, liability, and insurance for the responsibility of the users.

A short discussion was held regarding the proposed fees and Mayor de la Rosa stated one of the recommendations was to reduce the fee on the week days.

Commissioner Kennedy recommended the fees proposed by the public.

Mayor de la Rosa recommended the following: reduce the auditorium fee to $250 for profit and $200 - non-profit; meeting room - $100 for profit and $75 - non-profit and meeting room and auditorium - $300 profit and $250 non-profit.

Motion was made by Commissioner Kennedy and seconded by Commissioner Rivera to amend the fees to $250, $200, $100, $75, $300, $250 as mentioned above. Motion carried unanimously.

C. Discussion and consideration to authorize the Weslaco Police Department to purchase the following items from the Forfeiture Account as per Texas Code of Criminal Procedure Article 59.06 for a total amount of $9,293.60. Possible action.

1. 50 – Signs with "CELL PHONE USE PROHIBITED UP TO $200 FINE" to be displayed around the school zone areas - $850.00
2. 100 – 12 Gauge drag stabilized rounds for (Bean Bags) - $635.00
3. 14 – Mattresses for jail cells (replacements) - $558.60
4. 24 - Def-Tee reloadable distraction devices for SWAT - $750.00
5. 3 - Computer Work Stations (replacements for Network Admin., Administrative Services Coordinator and Admin. Clerk) - $6,500

Motion was made by Commissioner Kennedy and seconded by Commissioner Cuellar to approve Items 1 through 5 as presented. Motion carried unanimously.

D. Discussion and consideration to authorize the Weslaco Police Department to transfer $3,000.00 from the Forfeiture Account as per Texas Code of Criminal Procedure Article 59.06 to the Weslaco Police Department Educational Supplies Budget Line Item to purchase items for Crime Prevention (public education materials) for the duration of the fiscal budget year ending September 30, 2010. Possible action.

Motion was made by Commissioner Kennedy and seconded by Commissioner Cuellar to approve the budget amendment. Motion carried unanimously.

E. Presentation by Omar Gonzales, Finance Director regarding the City of Weslaco's Investment Report. Possible action.

Omar Gonzales, Finance Director highlighted the City of Weslaco's Quarterly Investment Report for July 1, 2009 – September 30, 2009. He mentioned the city's interest earned was $231,024.00 and market value was $22,702,925.00. Mr. Gonzales stated

approximately $1.9 million had been earned on the purchase agreement.

Mayor de la Rosa referred to Page 77 regarding the change on the Market Value amount.

Mr. Gonzalez stated this was due to the withdrawals to pay for the construction projects from the Certificate of Obligation Bonds.

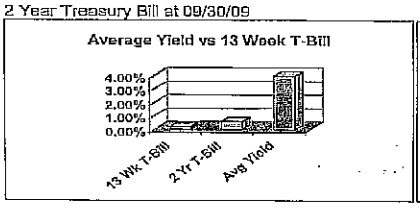
Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to accept the report as presented. Motion carried unanimously.

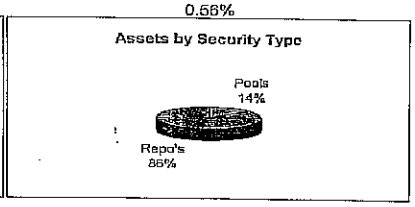
City of Weslaco, Texas
Quarterly Investment Report
July 1, 2009 - Sept 30, 2009
Portfolio Summary Management Report

This quarterly report is in full compliance with the investment policy and strategy as established for the City of Weslaco, Texas and the Public Funds Investment Act (Chapter 2256, Government Code).

Summary - A/P Pooled Cash

Beginning Book Value 07/1/09	$	25,022,566
Ending Book Value 09/30/09	$	22,702,925
Beginning Market Value 07/1/09	$	25,022,556
Ending Market Value 09/30/09	$	22,702,925
Interest Received 07/1/09 - 09/30/03	$	233,933
Accrued Interest Receivable at 09/30/09	$	74,059
Accrued Interest Receivable at 06/30/09	$	(76,968)
Interest Earned 07/1/09 - 09/30/09	$	231,024
Unrealized Gain/(Loss) at 06/30/09	$	-
WAM at Beginning of Period		1 days
WAM at Ending of Period		0 days
Change in Market Value	$	(2,319,631)
Average Yield to Maturity at 09/30/09		3.97%
13 Week T-Bill Yield at 09/30/09		0.19%
2 Year Treasury Bill at 09/30/09		0.66%





Prepared by:

Omar Gonzales
Finance Director

F. Discussion and consideration to approve the Interlocal Agreement between the City of Weslaco and Weslaco Independent School District for Police Officers and authorize the Mayor to execute the agreement. Possible action.

Commissioner Kennedy relinquished his chair and pointed out that he wished for the public to know that there was no conflict of interest, but wished not to participate in the

discussion.

Mr. Castellanos stated the cost would be paid by the school for the two (2) police officers.

Mr. Vela stated the school had already approved the contract.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Garza to approve the agreement as presented and authorized the Mayor to execute it. Motion carried unanimously.

G. Discussion and consideration to recommend to Hidalgo County Commissioners Court, Cruz-Hogan Consultants, Inc. recommendation to award the bid to the lowest qualified bidder, Asago Construction from Mission, Texas for construction services to install a new water line located in the alley between Nebraska and Indiana from 7th Street to just south of 6th Street utilizing Urban County Program Funds Years 17 and 20. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Kennedy to approve the item as presented. Motion carried unanimously.

H. Discussion and consideration to approve Resolution No. 2009-32 to commit the City of Weslaco's votes to one of the nominees listed in the Hidalgo County Appraisal District Ballot to serve in the Hidalgo County Appraisal District Board. Possible action.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to cast all City of Weslaco's votes to David Hernandez. Motion carried unanimously.

For the record, Resolution No. 2009-32 reads as follows:

RESOLUTION NO. 2009-32

THE STATE OF TEXAS §
COUNTY OF HIDALGO §
CITY OF WESLACO §

WHEREAS, the City of Weslaco at their meeting of November 17, 2009 reviewed a ballot to vote for a member(s) of Board of Directors of the Hidalgo County Appraisal Board; and

WHEREAS, the attached ballot indicates that the official action of the Weslaco City Commission was to vote for David Hernandez; and

THEREFORE, BE IT RESOLVED THAT, the Weslaco City Commission hereby approves and casts its vote(s) to David Hernandez to best represent the City of Weslaco.

PASSED AND APPROVED this 17th day of November, 2009.

CITY OF WESLACO
/s/ Buddy de la Rosa, R. Ph.
MAYOR

ATTEST:
/s/ Amanda C. Elizondo, CITY SECRETARY
APPROVED AS TO FORM:
/s/ Ramon Vela, CITY ATTORNEY

I. Discussion and consideration to allow the Student Alternative Program, Inc. to establish a facility at 409 Frost Proof, bearing a legal address of Lots 22 and 23, Frost Proof Heights. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Kennedy to table the issuance of a building permit for a Student Alternatives Program, Inc. private non-profit school at 409 Frost Proof Drive until the City of Weslaco received written confirmation from TEA that the American Prepatory Institute Model Based Curriculum met or exceeded the curriculum standards of TEA. Motion carried unanimously.

J. Discussion and consideration to approve the Extension Agreement with Texas A&M University Kingsville for one (1) year for services with the Storm Water Management Program and authorize the Mayor to execute the amendment. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Kennedy to approve the agreement as presented and authorized the Mayor to execute it. Motion carried unanimously.

K. Discussion and consideration to approve the AEP Easement and Right-of-way for 907 N. Airport Drive, Waste Water Treatment Plant and authorize the Mayor to execute all documents. Possible action.

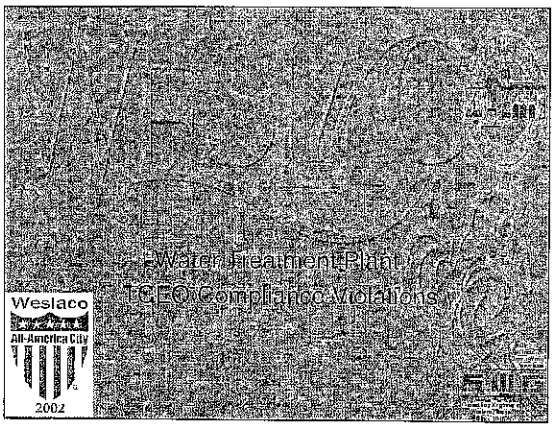
Motion was made by Commissioner Kennedy and seconded by Commissioner Tafolla to approve the item as presented and authorized the Mayor to execute it. Motion carried unanimously.

L. Discussion and consideration of the Work Plan, required by the Weslaco City Commission's action on November 3, 2009 in allocating $300,000.00 for the proposed improvements to the Water Treatment Plant to address Notice of Violation for the Comprehensive Compliance Investigation from the Texas Commission on Environmental Quality (TCEQ). Possible action.

Oswaldo Garza and Filemon Olvera representatives from CH2MHill/OMI stated at the previous City Commission meeting there was a bit of confusion on the request they had presented.

Mayor de la Rosa stated the work plan that they were considering was for the improvements at the Water Treatment Plant for a cost of $300,000.00. He mentioned this was to address the notice of violation of the Comprehensive Compliance Investigation by TCEQ.

Randy Winston, City Engineer, stated there was a division between the notice of violation and the contractors, these were two separate issues. He mentioned the proposed work plan addressed the TCEQ compliance violations relating to the raw water, treatment, storage and high service. Mr. Winston highlighted the following proposed work plan to correct the violation.



TCEQ Violations

- Raw Water
- Treatment
- Storage
- High Service

Raw Water

Track No: 379485 Compliance Due Date: 11/26/2009
30 TAC Chapter 290.45(c)(2)(A)

Alleged Violation:
Investigation: 775148 Comment Date: 10/29/2009

Failure to provide raw water pump capacity of 0.6 gallon per minute per connection with the largest pump out of service.

It was determined on September 22, 2009, by the investigator when the connection count was completed that the WTP did not provide a raw water pump capacity of 0.6 gallon per minute per connection with the largest pump out of service.

On September 22, 2009, the investigator compiled the connection count which is 11,961 connections which requires a raw water pump capacity of 10.329 MGD. The City of Weslaco has a raw water pump capacity of 15.12 MGD, however with largest raw water pump out of service the capacity is 8.64 MGD.

Recommended Corrective Action: Please submit to the TCEQ Harlingen Office a time schedule when construction will begin to modify or upgrade the WTP or submit a compliance plan in upgrading the WTP to provide a raw water pump capacity of 0.6 gallon per minute per connection with the largest raw water pump out of service.

Solution

- Phase 1
  - Install additional Raw Water Pump

Treatment

Track No: 379481 Compliance Due Date: 11/26/2009
30 TAC Chapter 290.42(d)(1)(G)(v)

Alleged Violation:
Investigation: 775148 Comment Date: 10/29/2009

Failure to meet the maximum daily demand or the minimum 0.6 gallon per minute per connection requirement, whichever is largest, with the largest filter off-line at any surface water treatment plant designed to provide 7.5 million gallons per day or more.

During the investigation conducted on September 17, 2009, the investigator determined that the Water Treatment Plant (WTP) was not meeting the maximum daily demand from the reviewing the Monthly Operating Reports (MOR)s. However it was determined on September 22, 2009, when the connection count was completed that the WTP did not meet the minimum 0.6 gallon per minute per connection requirement with the largest filter off-line.

The WTP is rated at ((3.12 mgd) + (0.864 mgd)) well capacity = 3.888 MGD combined water production.

With the largest filter out of service the WTP produces 7.68 MGD
On September 22, 2009, the investigator compiled the connection (meter) count which is 11,961 connections which requires a water production capacity of 10.326 MGD with the largest filter out of service

Total Filters product 11.28 MGD; with largest filter off-line: 7.68

Track No: 379481 Compliance Due Date: 11/26/2009
30 TAG Chapter 290.42(d)(1)

Alleged Violation:
Investigation: 775148 Comment Date: 10/29/2009

Failure to provide a treatment plant capacity that can meet the system's maximum daily demand.

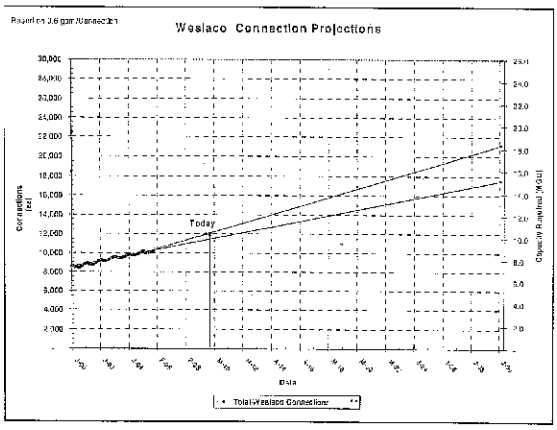
On September 17, 2009, the Investigator reviewed the Monthly Operating Reports (MOR)s for the City of Weslaco WTP which documented that the WTP exceeded its rated capacity on the following days:

The WTP exceeded its capacity rating during the Month of July 2009 on three days.
The WTP exceeded its capacity rating when it operated at 8.249 MGD on July 20, 2009, at 8.271 MGD on July 27, 2009 and at 8.405 MGD on July 29, 2009.

The WTP exceeded its capacity rating during the Month of August 2009 on fourteen days. The three highest days the WTP exceeded its capacity rating when it operated at 8.483 MGD on August 4, 2009, at 8.591 MGD on August 12, 2009 and at 8.429 MGD on August 21, 2009.

Recommended Corrective Action: Please submit to the TCEQ Harlingen Office a time schedule when construction will begin to modify or upgrade the WTP or submit completed construction plans for the City of Weslaco WTP with a beginning construction date or submit a compliance plan indicating when upgrades to the WTP will begin so as to provide a treatment plant capacity that can meet the system's maximum daily demand.

Summary of Investigation Findings Page 1 of 4



Solution

- Phase 1
  - Piping Upgrades
- Phase 1B
  - Expand Plant to 11 MGD immediately

<u>As Per 2005 Study</u>

- Phase 2
  - Expand Plant to 18 MGD for 20 yr design

Storage

Track No: 379461 Compliance Due Date: 01/15/2010
30 TAC Chapter 291.93(3)

Alleged Violation:
Investigation: 775148 Comment Date: 10/12/2009

Failure for the retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity must submit a planning report that clearly explains how the retail public utility will provide expected service demand to the remaining areas with the boundaries of its area for elevated storage.

Elevated Storage Capacity Required: 1,195,300 Gallons. Elevated Storage Capacity provided by the City of Weslaco, 1,300,000 Gallons. After any commission field inspection, the retail public utility must analyze the system's capacity to determine if it has reached 85% of its capacity. If the retail public has reached 85 % of its capacity, it must file a report no later than 90 days after the date of a commission letter detailing results of the inspection.

CITY OF WESLACO WATER PLANT **Investigation # 775148**

Investigation: 775148 Comment Date: 10/23/2009

Failure for the retail public utility that possesses a certificate of public convenience and necessity that has reached 85% of its capacity to submit a planning report that clearly explains how the retail public utility will provide expected service demand to the remaining areas with the boundaries of its area for total storage capacity.

On September 23, 2009, Investigator Hinojosa calculated the total storage capacity for the City of Weslaco and his findings were that the total storage capacity required is 2,390,000 gallons. Total Storage Capacity provided by the City of Weslaco is 2,385,000 gallons. After any commission field inspection, the retail public utility must analyze the system's capacity to determine if it has reached 85% of its capacity. If the retail public has reached 85 % of its capacity it must file a report no later than 90 days after the date of a commission letter detailing results of the inspection.

Solution

- Phase 1
  - Install additional storage
  - Fire insurance study
    - Insurance rates will be affected due to lack storage capacity.

High Service

Track No: 379448 Compliance Due Date: 11/26/2009
30 TAC Chapter 290.46(b)(2)(F)

Alleged Violation:
Investigation: 775148 Comment Date: 10/12/2009

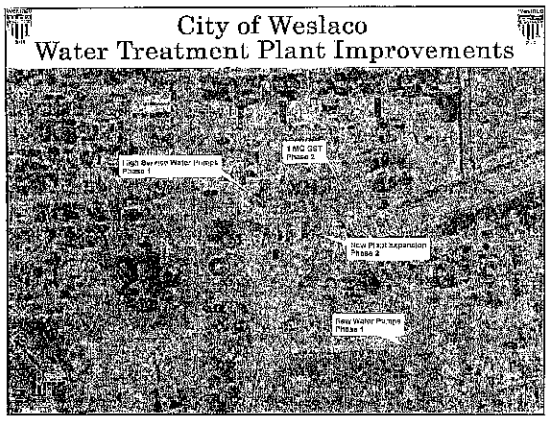
Failure to provide a service pump capacity such that each pump station or pressure plane must have two or more pumps with a total capacity of 2.0 gallons per minute per connection, or a total capacity of 1,000 gallons per minute and be able to meet peak hourly demands with the largest pump out of service.

On September 22, 2009, the Investigator calculated the Service Pumping Capacity Required: (2.0 GPM/Connection) (10,990 Connections= 1,057 wholesale) = 23,903 GPM. Provided: 9,800 GPM, (NOTE: Lacking 14,100 GPM for Service Pump Capacity). However, the entity does have a high service pump capacity of 1,000 gallons per minute. City of Weslaco has 4 high service pumps. #1- 1000 GPM, #2- 2000 GPM #3- 2800 #4- 4,000 GPM – 9,800 GPM. High Service Capacity for City of Weslaco.

In performing the calculations for the meeting the peak hourly demand with the largest pump out of service. Service Pump Pumping Factor
(Maximum Daily Demand)(1.25 Elevated Storage Tank) (ET)
a. Required: (Maximum Daily Demand) (1.25 ET): 8,391 MGD=5800 GPM X 1.25= 7,457 GPM required service pump capacity
City of Weslaco provides: 5,900 GPM with largest high service pump out of service
(NOTE: High Service Pump capacity is lacking 1657 gpm with the largest pump out of service.)

Solution

- Phase 1
  - Upgrade High Service Station



Commissioner Cuellar stated a solution was necessary to carry the city to the next

two to three years. He recommended to do the work and solicit funds to build a new water plant and that would address the city's needs to the next 20 years.

Mr. Garza stated they did not want to stop the work plan and would like to proceed forward with the necessary improvements. He mentioned they had a couple of options that they could offer the city. Mr. Garza stated the $300,000.00 was an estimated cost to fix the immediate concerns, but the improvements could add up to about $600,000.00.

Commissioner Cuellar stated based on the funds that had been set aside for the improvements, interest earned on the bond projects and monies saved on the CDM Contracts it exceeded the amount to pay for the necessary repairs.

Motion was made by Commissioner Cuellar to adopt the plan as presented and solicit bids contingent on the extension or bidding process.

Mr. Garza stated they had a clause in the agreement that could be done as out of scope work. He mentioned they could do a proposal, but were hoping for an extension on their contract.

Commissioner Cuellar stated his concern was that the budget did not allow the increase that they were asking for. He added they should do the construction separate from the contract extension. Commissioner Cuellar stated they were working on the funding.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to accept the plan as presented and authorized OMI and Randy Winston to present it to TCEQ to meet the deadline and solicit bids to do the work as quickly as possible.

Commissioner Cuellar suggested for OMI to submit two proposals one with the extension and another one for the out of scope work.

For clarification, Mr. Castellanos stated that a few meetings ago the City Commission had authorized staff to do the work as an emergency item due to the urgency of the situation.

Mayor de la Rosa stated they needed to solicit quotes and not bids due to the emergency.

Motion carried unanimously.

M. Discussion and consideration of the following improvements to the City of Weslaco's Wastewater Treatment Plant: Possible action.

1. Rotors
2. Odor Control Device

Motion was made by Commissioner Garza and seconded by Mayor Pro-Tem Rodriguez to approve the item as presented.

For clarification, Mr. Castellanos stated the rotors and the odor control device were elements to improve the Wastewater Treatment Plant and the monies for these improvements were not included in the CDM contract.

Motion carried unanimously.

N. Discussion and consideration of amending the City of Weslaco's Organizational Chart to include a staff attorney and staff engineer. Possible action. (This item was requested by Mayor Buddy de la Rosa).

Mayor de la Rosa stated they would like to include a staff attorney and staff engineer in the organizational chart.

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to amend the Organizational Chart to include a staff engineer and staff attorney in-house. Motion carried unanimously.

O. Presentation by City Attorney regarding the sale of fireworks inside the City of Weslaco on property annexed into the City of Weslaco. Possible action.

Mr. Vela stated any property that had a current lease agreement with a fireworks company would be grandfathered after annexation until the agreement with the property owner and Fireworks Company expired.

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to approve the item as presented. Motion carried unanimously.

IX. EXECUTIVE SESSION

At 7:45 p.m., Tuesday, November 17, 2009, Mayor de la Rosa announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 8:35 p.m., Tuesday, November 17, 2009, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

A. Attorney consultation pursuant to Section 551.071, Texas Government Code, to provide legal advice and counsel relating to the City's rights, duties, privileges, and obligations in connection with the collective bargaining process. Possible action of what is discussed in executive session.

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to proceed with the negotiations at the November 24th bargaining session as discussed in executive session. Motion carried unanimously.

B. To conduct interviews for The Weslaco City Manager. Possible action of what is discussed in executive session.

Mayor de la Rosa stated they had conducted two interviews with William Mueller and Francisco Castellanos. He mentioned Mr. Castellanos withdrew his application.

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to remove the name of Francisco Castellanos. Motion carried unanimously.

Mayor de la Rosa moved the order of the agenda and proceeded with the following items.

E. Land Acquisition - Discussion with City Attorney regarding the acquisition of real property in the City of Weslaco. Possible action of what is discussed in executive session.

Mayor de la Rosa stated no action was required at this time.

D. Personnel – Discussion and consideration to consent to the appointment of a Human Resources Director by the City Manager as required by the Weslaco City Charter. Possible action of what is discussed in executive session. (This item was requested by Mayor Buddy de la Rosa)

Mayor de la Rosa stated this position was very important and a degree was required and certain qualifications. He mentioned they had asked Mr. Castellanos to take full responsibilities as well as interim responsibility and he had agreed.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to appoint Francisco Castellanos as the Interim Human Resources Director with full responsibility. Motion carried unanimously.

C. Personnel – To discuss the appointment of a City Manager for the City of Weslaco. Possible action of what is discussed in executive session.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to authorize the Mayor and Commissioner Garza to negotiate with Mr. Richard Cannone for the position of City Manager for the City of Weslaco to begin on December 1, 2009.

Motion carried unanimously.

There being no further business to discuss, Mayor de la Rosa adjourned the meeting.

CITY OF WESLACO

MAYOR, Buddy de la Rosa

ATTEST:

CITY SECRETARY, Amanda C. Elizondo

MAYOR PRO-TEM, Rene Rodríguez, Jr.

COMMISSIONER, Robert J. Garza

COMMISSIONER, J. F. "Johnny" Cuellar

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Patrick B. Kennedy