

WESLACO CITY COMMISSION

REGULAR MEETING

DECEMBER 1, 2009

On this 1st day of December, 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	J.F. “Johnny” Cuellar
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Lupe V. Rivera
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. Commissioners Robert J. Garza and Patrick B. Kennedy were absent. Mayor de la Rosa called the meeting to order, a quorum was established and the following proceedings were held.

Pastor Rene Vega, from Faith Church of Weslaco gave the invocation. Mayor de la Rosa recited the Pledge of Allegiance and Mayor Pro-Tem Rodriguez, Jr. proceeded with the Pledge to the Texas Flag.

Mayor de la Rosa introduced Richard Cannone, newly appointed City Manager and his wife, Monica.

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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 November 12, 2009
 - 2. Regular Meeting of November 17, 2009

- B. Request from Julissa Rivera to host the 1st Annual Toys 4 Tots Car/Truck Show, Sunday, December 27, 2009 at the Weslaco City Park from 8:00 a.m. to 6:00 p.m. and authorization to use Pavilion No. 24 for live entertainment and parking spaces for the Car/Truck Show and waive all fees associated with the event. Possible action.

- C. Discussion and consideration to approve the Interlocal Agreement for the E 9-1-1 Public Safety Answering Point Services with the Lower Rio Grande Valley Development Council and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to approve the consent agenda as presented. Motion carried unanimously.

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.

There were no comments from the audience.

III. PUBLIC HEARINGS

- A. To discuss and consider a Conditional Use Permit to establish a Child Care Home at 1204 Largo Street, Weslaco, Texas also being Lot 6, Block 3, Canal Heights. (Requested by Diana Garcia). Possible action.

Bernard Rodriguez, Interim Planning and Code Enforcement Director, stated the applicant was proposing to establish a child care home. He added the proposed development was an acceptable use in an "R-1" One Family Dwelling District. Mr. Rodriguez pointed out the notice of the application and public hearing for the Planning and Zoning Commission and the Weslaco City Commission was published in The Monitor Newspaper on November 2, 2009. He stated thirty-seven property owners residing within the 200' radius were

notified and did not received a notice of opposition. Mr. Rodriguez added on November 18, 2009 the Planning and Zoning Commission approved the request and recommended approval.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Rivera to close the public hearing. Motion carried unanimously.

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

- B. To discuss and consider a Zone Change Request at 306 S. Westgate Drive, Weslaco, Texas, also being Lot 16, Block 178, West and Adams Tract Subdivision, Hidalgo County, Texas from "R-1" Single Family Dwelling District to "R-2" Duplex and Apartment District and approval of Ordinance No. 2009-30 on first reading. (Requested by Roberto Valladares, Jr.) Possible action.

Mr. Rodriguez stated the property was located at the intersection of Third Street and Westgate Drive on the west side of Business 83. He added the proposed location was surrounded with duplex and apartments; to the north, south and west and to the east side across Westgate Drive was zoned Single Family District. Mr. Rodriguez stated the request was in compliance with the City of Weslaco's Comprehensive Plan. He mentioned a notice of the application and the public hearing for the Planning and Zoning Commission and the Weslaco City Commission had been published in The Monitor Newspaper on November 2, 2009. Mr. Rodriguez stated thirty-three property owners residing within the 200' radius were notified and staff received three letters opposing the request due to increase in traffic. He mentioned on November 18, 2009, the Planning and Zoning Commission approved the request and recommended approval.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to close the public hearing. Motion carried unanimously.

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

IV. CITY MANAGER'S REPORT

- A. Announcement of the Annual Employees' Awards Ceremony and permission to close City Offices on December 18, 2009 from 2:30 p.m. to 5:00 p.m. with the exception of the public safety departments. Possible action.

Mayor de la Rosa stated Mr. Castellanos was recommending closing the City offices from 2:30 to 5:00 p.m. on December 18, 2009 to hold the Annual Employees Awards Ceremony.

Commissioner Tafolla recommended having the ceremony from 5:00 p.m. to 7:00 p.m.

Amanda C. Elizondo, City Secretary stated the city had closed the city's offices in the past. She stated it was a small ceremony to recognize the employees for their services.

Commissioner Cuellar recommended a skeleton crew for the Water and Planning Department.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to approve the City Manager's request, but to maintain the Water and Planning Departments open until 5:00 p.m. on a skeleton crew with the exception of the public safety departments. Motion carried unanimously.

V. MAYOR'S REPORT

- A. Report on the status of negotiations with the newly appointed City Manager, Mr. Richard J. Cannone.

Mayor de la Rosa stated Commissioner Robert J. Garza and he had met with Mr. Cannone to discuss some employment issues and additional discussion would be held under Item "F".

- B. Announcement of the U.S. Department of Homeland Security CBP Federal Inspection Service Processing Center held at 1:30 p.m., Tuesday, December 1, 2009 at the Weslaco Mid Valley Airport.

Mayor de la Rosa stated a ribbon cutting had been held today at the Mid Valley Airport for the U.S. Department of Homeland Security CBP Federal Inspection Service Processing Center and George Garrett, Airport Director and Hernan Gonzales, Economic Development Corporation Director had attended the ceremony.

- C. Status on the work done by the 2010 Census Committee.

Mayor de la Rosa announced the names of the Census Committee members and stated Miguel Wise was the Chairman and Martha Noell Vice President. He mentioned they had been meeting on a regular basis and was very important for as many citizens to be counted because it would benefit the city when applying for grants and loans.

- D. Recognition of Veterans (Police Officers)

Mayor de la Rosa recognized some Police Officers that served in the military forces and were veterans. He added that Israel Trevino, Police Officer had done a very nice military display at the Police Department.

- E. Status report on the Work Plan prepared by Sigler, Winston, and Greenwood & Associates submitted to the Texas Commission on Environmental Quality, (TCEQ) to address the Notice of Violations at the City of Weslaco's Water Treatment Plant.

Randy Winston, City Engineer stated they had submitted the letters and work plan to TCEQ addressing the notice of violations at the City of Weslaco's Water Treatment Plant. He added the cut off date to submit the work plan was November 26, 2009. Mr. Winston stated the work plan included the scope as discussed at the last City Commission meeting. He indicated they were helping L&G Engineering to prepare the submittal of the pre-application for the Water Treatment Plant Expansion Project.

VI. NEW BUSINESS

- A. Discussion and consideration to authorize the Weslaco Police Department to pay the following court costs owed to The Hidalgo County District Clerk's Office from the Forfeiture Account as per the Texas Code of Criminal Procedure Article 59.06. Possible action.

<u>Cause No.</u>	<u>Style (State VS)</u>	<u>Amount</u>
C-175-09-H	1997 Ford Ranger Truck & 1991 GMS Sierra Truck	\$ 455.00
C-2559-09-I	2001 Ford Mustang	339.00
C-1576-08-C	2000 Ford Windstar Van	397.00
	TOTAL	\$1,191.00

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

- B. Discussion and consideration to award the only bid received for the purchase of the fire department uniforms for a period of one (1) year on a per needed basis from Lonestar Uniforms, Inc. from Houston, Texas. Possible action.

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

- C. Discussion and consideration to approve the Interlocal Agreement with the City of McAllen for the purchase of two (2) 2003 Sanitation Vehicles for \$25,000.00 each and authorize the Mayor to execute the agreement. Possible action.

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

- D. Status report from Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco regarding economic activities. Possible action.

Mr. Gonzalez reported the following.

- 1) Rio South Texas Economic Council - RSTEC was a regional marketing strategy with a mission to attract businesses and investments to the Rio South Texas Region and to champion efforts to improve the region's competitiveness and opportunities in a global economy. This was the second year of this effort and Weslaco was a member.
- 2) Savory Perks - The patio addition, an amenity to attract more business to this unique café was almost complete. It was becoming a regional favorite place because of the poetry readings, music, and interesting people who gather there.
- 3) Federal Inspection Facility (FIF) - The construction of the FIF Building at the Mid-Valley Airport was underway. It would facilitate international flights landing in Weslaco. The completion date is in May, 2010. A groundbreaking ceremony was scheduled for December 1st at 9:00 a.m.
- 4) South Texas Vo-Tech - The STVT Campus south of the Mid Valley Airport was undergoing a major expansion. The school was now under the auspices of ATI Career Training. ATI had schools in Texas, Florida, New Mexico, Arizona and Oklahoma.
- 5) Valley Nature Center - VNC's 25th Anniversary was held November 7th. At the event, AEP Foundation presented a check for \$100,000.00 toward the new facility. Nature tourism assets were extremely important to the new economy in Weslaco. Valley Nature Center, Frontera Audubon, and Estero Llano Grande World Birding Center were key components to attracting visitors to Weslaco.
- 6) Perez Development - The first phase of the Perez Development on the Expressway 83 was now complete. Posada Medical Clinic anchors the development. The second phase would involve the burial of the drainage ditch to open additional acreage for commercial development.
- 7) CVS Pharmacy - A demolition permit had been issued for the southeast corner of Airport Drive and U.S. Business 83. It included the former home health agency building and the Sigler, Winston, Greenwood and Associates' property.
- 8) Sales Tax - The sales tax receipts for October were 7.02%, lower than last year. The decrease was felt in both Hidalgo by (-10.64%) and Cameron (-12.08%) Counties. He mentioned the national economic slowly had reached the region.

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

- E. Discussion and consideration of Amendment No. 19 to the existing contract between the City of Weslaco and Operations Management International, Inc.

(OMI) in the amount of \$2,204,733.00 for professional operation and maintenance services of the City of Weslaco Water and Wastewater Treatment Facilities payable in twelve monthly installments of \$183,727.75 for fiscal year October 1, 2009 to September 10, 2010 and authorize the Mayor to execute the amendment. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to table the item until the City of Weslaco and OMI could negotiate the new base fee as required by Section 4.2 of the Agreement for Operations, Maintenance, and Management Services dated October 1, 1998. Motion carried unanimously.

- F. Discussion and consideration of Ordinance No. 2009-31 appointing Richard D. Cannone as City Manager of the City of Weslaco; establishing the salary of the City Manager; establishing duties and responsibilities as City Manager; declaring at-will status of the Weslaco City Manager; and ordaining other matters with respect to the subject matter herein. First reading of Ordinance No. 2009-31. Possible action.

At 6:45 p.m., Tuesday, December 1, 2009, Mayor de la Rosa announced the City Commission would convene in executive session to discuss the following item and recessed the regular meeting.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Rivera to go into executive session to discuss Item F. Motion carried unanimously.

At 6:48 p.m., Tuesday, December 1, 2009, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to approve Ordinance No. 2009-31 on first reading establishing the City Manager's salary for Richard Cannone in the amount of \$151,533.75. Motion carried unanimously.

- G. Discussion and consideration to approve the final plat of the following subdivisions.
1. Professional & Medical Complex Subdivision Phase 1, being a 3.86 acre tract of land out of Farm Tract 17, West Tract Subdivision, Hidalgo County, Texas, located at the southwest side of U.S. Expressway 83 Frontage Road and Mile 3 ½ West Road. (Requested by Fred Perez). Possible action.

Mr. Rodriguez stated the proposed plat was the second phase to La Posada Subdivision and the City of Weslaco would provide water and sewer services. He mentioned the subdivision plat complied with the City of Weslaco's Subdivision Ordinance. Mr. Rodriguez stated on November 18, 2009 the Planning and Zoning Commission approved the request and recommended approval.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to approve the final plat as presented. Motion carried unanimously.

Mayor Pro-Tem Rodriguez presided the meeting and proceeded with the next item.

2. Mile 6 Acres Subdivision being a 5.52 acre tract of land out of Farm Tract 290, West Tract Subdivision, Hidalgo County, Texas located along the west side of Mile 6 West Road approximately 1.320 foot north of Mile 12 ½ North Road. (Requested by Jorge Gonzalez) Possible action.

Mr. Rodriguez stated the proposed development was within the city's ETJ. He mentioned North Alamo Water Supply Corporation would provide the water services and sewer tanks would be installed. Mr. Rodriguez stated the applicant had requested a variance to the sidewalk requirement and the cost of the fire hydrant would be placed in an escrow account. He pointed out on November 18, 2009 the Planning and Zoning Commission approved the request.

Commissioner Tafolla referred to the variance and stated the city would incur the cost when the area would be annexed.

Motion was made by Commissioner Tafolla and seconded by Mayor de la Rosa to approve the plat and deny the variance. Motion carried unanimously.

At this time, Mayor de la Rosa preceded the meeting.

3. Mid Valley Industrial Park #8A, being a 16.52 acres tract of land being all of Lot 2 of Mid Valley Industrial Park #8, Hidalgo County, Texas located on the northwest corner of Mile 9 North (Sugar Cane Drive) and FM 1015. (Requested by The Economic Development Corporation of Weslaco). Possible action.

Mr. Rodriguez stated the proposed site was a re-subdivision of Lot 2, Mid Valley Industrial Park #8. He mentioned the City of Weslaco would provide the water and sewer services. Mr. Rodriguez stated the subdivision plat complied with the City of Weslaco's Subdivision Ordinance. He added on November 18, 2009 the Planning and Zoning Commission approved the preliminary and final plat and recommended approval.

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

- H. Status report on the Petition received by the City of Weslaco to contract the City of Weslaco's Election with Hidalgo County Election Department. Possible action.

Mayor de la Rosa stated the city received a petition and had been reviewed by the City Secretary and City Attorney.

Motion was made by Commissioner Cuellar and seconded by Mayor Pro-Tem Rodriguez to accept the petition and contract with the Hidalgo County Election Department to conduct the May, 2010 Election.

Ramon Vela, City Attorney stated the city would negotiate a contract with the county and present it to the City Commission for their consideration. He stated the city could not assign certain things that the city was required to do such as calling the election, canvassing the results, plus other items. Mr. Vela mentioned he would provide a report to the City Commission.

Motion carried unanimously.

- I. Discussion and consideration of Ordinance No. 2009-32 amending Section 11 of Ordinance 320 the City of Weslaco Zoning Ordinance to declare the operation of a private or public school in an "R-1" District as a conditional use and ordaining other matters with respect to the subject matter hereof. First reading of Ordinance No. 2009-32. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to approve and adopt Ordinance No. 2009-32 on first reading. Motion carried unanimously.

- J. Discussion and consideration to approve the AEP Easement and Right-of-way for 907 N. Airport Drive, Waste Water Treatment Plant for W.R. # 32800447 and authorize the Mayor to execute all documents. Possible action.

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

- K. Discussion and consideration to support the Veteran's Bridge at Los Tomates, Project CSJ: 0921-06-218 and authorize the Mayor to submit a letter of support. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to approve the item as presented and authorize the Mayor to prepare a letter in support of the project. Motion carried unanimously.

VII. EXECUTIVE SESSION

At 7:02 p.m., Tuesday, December 1, 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 8:01 p.m., Tuesday, December 1, 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 Cuellar and seconded by Commissioner Tafolla to authorize Special Counsel to proceed with negotiations as discussed in executive session for the following bargaining session. Motion carried unanimously.

- B. Discussion and consideration of authorizing the Economic Development Corporation of Weslaco to provide an incentive for the relocation of a business headquarters with various business entities to relocate to Weslaco in the Central Business District. Possible action of what is discussed in executive session.

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to authorize the City of Weslaco to proceed with a \$375,000.00 economic development incentive with RGV Word Properties, LLC doing business as Friends Health Care Services, Inc. Motion carried unanimously.

- C. Attorney consultation pursuant to Section 551.071, Texas Government Code, to provide legal advice and counsel on the contract negotiations with South Star Billing for the collection of delinquent EMS accounts. Possible action of what is discussed in executive session.

Mayor de la Rosa announced no action was required on this Item.

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, J. F. “Johnny” Cuellar

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera