

Agg. 5/18/10

# WESLACO CITY COMMISSION

## REGULAR MEETING

MAY 4, 2010

On this 4<sup>th</sup> day of May, 2010 at 6:02 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.

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|----------------|-------------------------|
| Mayor          | Buddy de la Rosa        |
| Mayor Pro-Tem  | Rene Rodriguez, Jr.     |
| Commissioner   | Robert J. Garza         |
| Commissioner   | J.F. "Johnny" Cuellar   |
| Commissioner   | Gerardo "Jerry" Tafolla |
| Commissioner   | Lupe V. Rivera          |
| City Manager   | Leonardo Olivares       |
| City Secretary | Amanda C. Elizondo      |
| City Attorney  | Ramon Vela              |

Also present: Alex Acosta, Senior Accountant; Pete Garcia, Parks & Recreation Director; Gloria Sepulveda, Purchasing Director; Bernard Rodriguez, Interim Planning and Code Enforcement Director; and several staff members and citizens. Commissioner Patrick B. Kennedy was absent due to another commitment. Mayor Pro-Tem Rodriguez called the meeting to order, a quorum was established and the following proceedings were held.

Reverend Mario Perez, from the Assembly of God Church of Weslaco, gave the invocation. Mayor Pro-Tem Rodriguez recited the Pledge of Allegiance and 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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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. Regular Meeting of April 20, 2010

- B. Second and final reading of Ordinance No. 2010-05 amending Section 1 of Ordinance 77-16, adopted on August 16, 1977 and codified in the Weslaco Code of Ordinances as Section 138-58 "Water Rates Prescribed" by providing for a new schedule of rates to be charged for treated water delivered through the system of the Water Department of the City of Weslaco to be provided for every 1000 gallons or portion thereof for sprinkler meters only and providing for Administrative Discretion to the City Manager and providing for an effective date after second publication of this ordinance and ordaining other matters with respect to the subject matter hereof and providing for an effective date after second publication of this ordinance. Possible action.

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

For the record, Ordinance No. 2010-05 reads as follows:

ORDINANCE NO. 2010-05

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 77-16, ADOPTED ON AUGUST 16, 1977 AND CODIFIED IN THE WESLACO CODE OF ORDINANCES AS SECTION 138-58 "WATER RATES PRESCRIBED" BY PROVIDING FOR A NEW SCHEDULE OF RATES TO BE CHARGED FOR TREATED WATER DELIVERED THROUGH THE SYSTEM OF THE WATER DEPARTMENT OF THE CITY OF WESLACO TO BE PROVIDED FOR EVERY 1000 GALLONS OR PORTION THEREOF FOR SPRINKLER METERS ONLY AND PROVIDING FOR ADMINISTRATIVE DISCRETION TO THE CITY MANAGER AND PROVIDING FOR AN EFFECTIVE DATE AFTER SECOND PUBLICATION OF THIS ORDINANCE AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 20<sup>th</sup> day of April, 2010.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 4<sup>th</sup> day of May, 2010.

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.

There were no comments from the audience.

## **III. CITY MANAGER'S REPORT**

- A. City Manager's report: Financial Status, Departmental Update, Upcoming Meetings.
- B. Update report on the U.S. Census 2010.

Mr. Leonardo Olivares, City Manager, stated the city would be starting the budget sessions soon for the next fiscal year. He reported on the findings of the U.S. Dept of Labor (DOL) Investigation; Finance Department Director Search and the completion of the Compensation Study. Mr. Olivares mentioned the City Commission had been working with County Commissioner A. C. Cuellar on the Westgate Project to stay on schedule. He reported that Weslaco was on top of the census count by 67% and thanked staff for the work they had done.

Mayor Pro-Tem Rodriguez changed the regular order of the agenda and proceeded with Item N. under New Business.

- N. Discussion and consideration to approve the following requests:
  - 1. Viejitos Car Club Rio Grande Valley Texas Chapters to use the Weslaco City Park, Parking Lots located north and south of the Veterans Monument and Pavilion No. 24 to host their 7<sup>th</sup> Annual Car Show on Saturday, July 24, 2010 and waive the fees associated with the event. Possible action.
  - 2. RGV Vets and Wounded Vets Foundation to use the Harlon Block Sports Complex Softball Fields and Concession Stand for a benefit Softball Tournament on Saturday, May 22<sup>nd</sup> and Sunday, May 23, 2010 and waive all fees associated with the event. Possible action.
  - 3. Discussion and consideration to allow a benefit concert for Weslaco High School Mariachi Pantera, Friday, May 14, 2010 from 5:00 p.m. to 9:00 p.m. to perform at the Eugene A. Braught Memorial Theater with the assistance of the Library and waive all fees associated with the event. Possible action.
  - 4. Request from Mr. and Mrs. Ernesto Alaniz, residents of 2207 Nellie Street to close Nellie Street and Paige Street on Saturday,

June 5, 2010 from 7:00 p.m. to 1:00 a.m. for a family gathering.  
Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approve Items 2, 3, and 4 with the exception of Item 1. Motion carried unanimously.

At this time Mayor de la Rosa presided the meeting and returned to the regular order of the agenda.

#### **IV. MAYOR'S REPORT**

- A. Status report on the proposed Knapp Medical Center Merger with Valley Baptist Health System.

Mayor de la Rosa reported on the Knapp Medical Center and Valley Baptist Hospital merger and stated the merger would not be done. He pointed out Mr. James Summersett and the executive board would be looking into other possible solutions to meet any challenges that the hospital had.

- B. Announcements of the following Proclamations:

1. National Crime Victims' Rights Week
2. Donate Life Texas Month

Mayor de la Rosa stated members of the Weslaco Police Department were present for the signing of the National Crime Victims' Rights Proclamation. He added the Donate Life Texas Month Proclamation would be mailed to the requesting agency.

#### **V. PUBLIC HEARINGS**

- A. To discuss and consider a request to amend Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning at 1621 Westmont Drive, Weslaco, Texas being Lot 24, Westgate Center Subdivision, Hidalgo County, Texas from "R-1" Single Family Dwelling District to "B-2" Secondary & Highway District and approval of Ordinance No. 2010-06 on first reading. Possible action. (Requested by Norma Gonzalez)

Mayor de la Rosa stated the following items were public hearings and any one wishing to speak for or against could do so after staff's presentation.

Bernard Rodriguez, Interim Planning and Code Enforcement Director highlighted the zone change request and stated the applicant was requesting to change the zone to "B-2, but staff was recommending a "B-1." He stated the applicant wanted to establish an office for a service operation.

Motion was made by Commissioner Cuellar and seconded by Commissioner

Tafolla to close the public hearing. Motion carried unanimously.

Mr. Olivares recommended accepting staff's recommendation.

Ramon Vela, City Attorney stated the correction recommended by staff could be reflected on the second and final reading of the ordinance.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approve and adopt Ordinance No. 2010-06 on first reading with the recommendation made by the City Attorney. Motion carried unanimously.

- B. To discuss and consider a request to amend Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning at 606 N. Milano Road, Weslaco, Texas being a 1.00 acre tract of land out of Farm Tract 151, West Tract Subdivision, Hidalgo County, Texas from "R-1" Single Family Dwelling District to "B-2" Secondary and Highway District and approval of Ordinance No. 2010-07 on first reading. Possible action. (Requested by Miguel Salinas)

Mr. Rodriguez stated the property had been annexed as an "R-1" Single Family Dwelling District and the applicant was proposing a commercial use zone for a project site. He pointed out notice of the application and the public hearing for the Planning and Zoning Commission and the Weslaco City Commission appeared in The Monitor on April 5, 2010. Mr. Rodriguez mentioned eleven property owners residing within 200' of the applicant's property were notified by mail on April 9, 2010. He stated no comments had been received in favor or against the zone change. Mr. Rodriguez indicated the Planning and Zoning Commission approved the request on April 21, 2010 and staff recommended approval.

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

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approve and adopt Ordinance No. 2010-07 on first reading. Motion carried unanimously.

- C. To discuss and consider a Conditional Use Permit to obtain a Mixed Beverage Permit at 514 S. Plaza Los Encinos, Weslaco, Texas being Lot 2, Wadoso Subdivision Phase 1, Hidalgo County, Texas. Possible action. (Requested by Eric Arndt)

Motion was made by Commissioner Cuellar 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 Conditional Use Permit. Motion carried unanimously.

## **VI. BOARD APPOINTMENT**

- A. Weslaco Health Facilities Development Corporation – To confirm the appointment of the new City Manager. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to confirm the appointment of the City Manager to the Weslaco Health Facilities Development Corporation. Motion carried unanimously.

## **VII. NEW BUSINESS**

- A. Presentation by Anne Burger Entekin, Financial Advisor to the City of Weslaco on the status of the Standard and Poor's bond rating.

Mayor de la Rosa announced that Mr. Olivares was recommending postponing this item until the next meeting. No action was taken.

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

Martha Noell, Executive Director highlighted the chamber activities report and stated the Texas Onion Fest was a great success. She mentioned the visitation for March had increased and would decrease in April due to the Winter Texans.

- C. Status report from Chitra Parameswar, P.E. with CDM Constructors Inc., regarding the improvements at the North Wastewater Treatment Plant.

Chitra Parameswar, P.E. with CDM Constructors Inc., made a slide presentation on the progress of the North Wastewater Treatment Plant and stated the project was on schedule and the completion date was October 15, 2010. She mentioned the project cost to date was \$14,233,542.00.

- D. Status report on the following items from the various city departments:

1. Dilapidated Structures in the City of Weslaco – Planning and Code Enforcement Department
2. City Street Lights (existing inventory and proposed) – Planning and Code Enforcement Department
3. Resurfacing and paving of city streets

Mr. Olivares stated staff had scheduled some structures to be demolished within the next week. He referred to the street lights list and reported on the street lights that had been installed and those that were pending. Mr. Olivares referred to Item D.3 and stated there was a total of 21 streets that were identified for repairs by the Public Facilities Department based on the need and condition of the streets. He stated eleven streets had been paved because of limited funds and were looking to update the paving cost estimate.

Mr. Olivares pointed out the Finance Department was trying to identify the funds to complete these projects.

Short discussion was held and Mayor de la Rosa asked if there were any plans to repair the chug holes on Westgate north of Expressway 83 as a short term fix up.

Randy Winston, City Engineer stated they had a pre-construction meeting with Closner Construction and were moving forward with the relocation of the utilities lines. He mentioned they could do a temporary street overlay with the assistance of the county and recommended to meet with the county staff to discuss an interlocal agreement.

- E. Discussion and consideration to approve a change order to the contract with CDM Constructors, Inc., not to exceed \$100,000.00 for the installation of the Non-Potable Water (NPW) Pumping System at the North Wastewater Treatment Plant and authorize the Mayor to sign the change order. Possible action.

Mr. Olivares stated this was a requirement of the Texas Commission on Environmental Quality (TCEQ) and recommended approval.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approve the change order as presented. Motion carried unanimously.

- F. Discussion and consideration to approve Ordinance No. 2010-08 adopting a Cost Accounting Transfer Policy from Enterprise Fund to the General Fund for the City of Weslaco. First reading of Ordinance No. 2010-08. Possible action.

Mr. Olivares stated they were working with Ann Burger Entekin, Financial Advisor, to create a policy.

- G. Discussion and consideration to approve final payment for VA Architecture in the amount of \$1,455.00 for architectural services rendered in connection with the renovation at the former Weslaco Museum located at 515 South Kansas Avenue utilizing Year 21, Urban County Program Funds. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to approve the final payment to VA Architecture for \$1,455.00. Motion carried unanimously.

- H. Discussion and consideration to approve final payment for G.A.S. Enterprises, Inc. in the amount of \$17,262.40 for work completed in connection with the renovation at the former Weslaco Museum utilizing Year 21 Urban County Program Funds. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approve final payment to G.A.S. Enterprises, Inc. for \$17,262.40. Motion

carried unanimously.

- I. Discussion and consideration to approve the final plat of Regency Subdivision No. 2, Lots 1A & 1B, a 10.0 acre tract of land out of Farm Tract 686, West and Adams Tracts Subdivision, Hidalgo County, Texas located on the north side of 18<sup>th</sup> Street midway between Texas Blvd. and Bridge Street. Possible action. (Requested by D&J Investments Ltd.)

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

- J. Discussion and consideration of a Partner Agreement between the City of Weslaco and South Texas College to include in their grant application to be submitted to the U.S. Department of Education by South Texas College to develop a comprehensive Emergency Management Plan and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to approve the Partner Agreement between the City of Weslaco and South Texas College as presented and authorize the Mayor to execute the agreement. Motion carried unanimously.

- K. Discussion and consideration to approve payment to Tyler Technology not to exceed \$2,750.00 from the Municipal Court Technology Fund for computer software to assist in the collection of outstanding warrants and fines. Possible action.

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

- L. Discussion and consideration to authorize staff to submit a Solid Waste Grant Application to the Lower Rio Grande Valley Development Council in the amount of \$28,500.00 for the purchase of a forklift for the Weslaco Recycling Center and authorize the Mayor to sign the application and any related documents. Possible action.

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

- M. Discussion and consideration to approve the following purchases either from the 2007 Series Bond proceeds and/or the General Fund. Possible action.

1. Fire Department - one of the three (3) options for the purchase of ambulance equipment to license a maximum of two (2) new ambulances as per the Texas Department of Health and Human Services requirements and replace used equipment on older units.

2. Public Facilities Department – One (1) Backhoe Tractor.
3. Public Facilities Department – to authorize staff to solicit quotes for an emergency purchase of one (1) mobile pump as a contingency plan for lift stations.
4. Police Department – One (1) fully equipped police unit vehicle.
5. Human Resources Department - Time Clocks for city departments for more efficient record keeping of overtime.

Mr. Olivares recommended delaying these items until the budget sessions.

- O. Discussion and consideration to declare and dispose of surplus property from all city departments through a public auction as per City Ordinance No. 86-08 and authorize the Purchasing Department to conduct a public auction at the Old City Warehouse located at 306 S. Bridge Street with the assistance of the various city departments. Possible action.

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

- P. Discussion and consideration to authorize the Weslaco Police Department to accept a donation of \$500.00 from Kohl's Department Store for the continuation of the efforts in crime prevention and approval of budget amendment. Possible action.

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

- Q. Status report from Yvonne Ramon, Hidalgo County Elections Administrator on the Joint City of Weslaco and Weslaco Independent School District May 8, 2010 General Election.

Mayor de la Rosa announced that Ms. Yvonne Ramon was not able to be present to give a report.

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

**CITY OF WESLACO**

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**MAYOR**, Buddy de la Rosa

**ATTEST:**

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**CITY SECRETARY**, Amanda C. Elizondo

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**MAYOR PRO-TEM**, Rene Rodríguez, Jr.

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**COMMISSIONER**, Robert J. Garza

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**COMMISSIONER**, J. F. "Johnny" Cuellar

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**COMMISSIONER**, Gerardo "Jerry" Tafolla

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**COMMISSIONER**, Lupe V. Rivera