

*Approved 7/6/10*

**WESLACO CITY COMMISSION**

**REGULAR MEETING**

**JUNE 15, 2010**

On this 15<sup>th</sup> day of June 2010 at 7:00 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.

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|----------------|-------------------------|
| Mayor          | Miguel D. Wise          |
| Mayor Pro-Tem  | J.F. "Johnny" Cuellar   |
| Commissioner   | Robert J. Garza         |
| Commissioner   | Rene Rodríguez, Jr.     |
| Commissioner   | Gerardo "Jerry" Tafolla |
| Commissioner   | Lupe V. Rivera          |
| Commissioner   | Joe A. Martinez         |
| City Manager   | Leonardo Olivares       |
| City Secretary | Amanda C. Elizondo      |
| City Attorney  | Ramon Vela              |

Also present: Alex Acosta, Interim Finance Director; Gloria Sepulveda, Purchasing Director; Pete Garcia, Parks & Recreation Director; Bernard Rodriguez, Interim Planning and Code Enforcement Director; and several staff members and citizens.

Commissioner Laura Weaver, from the City of La Feria, gave the invocation. Mayor Wise recited the Pledge of Allegiance.

**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event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 June 1, 2010

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the consent agenda as presented. Motion carried unanimously. (6-0) Mayor present not voting.

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.

Guadalupe Francese, 2305 East Wimbledon Drive, Richard Vaughan, Jr., 105 Chaparral Drive, Jeff Rivera, 1713 Llano Grande, Paula Villanueva, 402 W, Mile 10 Road North, Dr. Andrew Levine, 914 Utah Street, all of Weslaco and Dolores Salinas, 405 Liberty Lane, La Feria, Texas spoke against the privatization of the sanitation. They were concerned that this item had not been studied thoroughly and bids were not being solicited.

Alvino Flores, resident of 1119 Villas Del Norte Street, Weslaco, Texas and President of the Police Union stated the action taken by the City Commission on May 2009 had a direct impact on the Police Department. He added the association had never been involved in the political election process, but after what happened they could not remain silent. Mr. Flores stated they formed a political activist group receiving contributions from the Weslaco police officers only to support three candidates. He pointed out the city had lost some of the best officers and asked for the City Commission to be fair regarding their actions for the Police, Fire and all the other departments especially the brothers in the sanitation department. Mr. Flores stated he would be resigning as the Police Association Union President and concluded by stating the officers were there to protect and serve the citizens and the City Commission.

Mayor Wise asked Mr. Flores if he was speaking as an employee or a private citizen.

Mr. Flores responded as a private citizen.

III. CITY MANAGER'S REPORT

A. City Manager's report: Financial Status, Departmental Update, Upcoming Meetings, Appointments and other items.

B. Status report on the dilapidated structures within the City of Weslaco.

Mr. Leonardo Olivares, City Manager stated Standard and Poors had toured the city and discussion was focused on the development of the city. He mentioned staff had begun the budget sessions for fiscal year 2011 and would provide a draft of the city's budget to the City Commission next month. Mr. Olivares stated they were working with TXDOT on the Westgate Resurfacing Project and the relocation of the utility lines. He reported that on Page 15 of the agenda there were some pictures of structures that had been demolished.

**IV. MAYOR'S REPORT**

A. Acknowledgement of receipt of a two million dollar grant from State Energy Conservation Office (SECO) at the City of Weslaco's North Wastewater Treatment Plant for solar panels.

Mayor Wise announced the State Energy Conservation Office (SECO) had awarded the city a two million dollar grant for a solar cell project.

Randy Winston, City Engineer, gave a power point presentation and stated the Solar Array Grant Funding Program, State Energy Conservation Office and Texas Comptroller of Public Accounts had awarded a two million dollar grant to the city. He stated the funds would be used for the installation of solar panel at the Wastewater Treatment Plant and the construction would start within a couple of months. Mr. Winston mentioned the city's local share was approximately 16% (\$400,000.00) totaling to 2.4 million dollars. He indicated the proposed rebate from AEP would be about \$180,000.00 leaving a balance of approximately 9.1% local share (\$80,000.00). Mr. Winston pointed out the potential energy savings would be about 590,000 KW, a saving of \$70,000.00 to \$80,000.00 per year at the current electricity rates.

**V. BOARD APPOINTMENTS**

A. Parks & Recreation Advisory Board – to accept the resignation of board member Joe A. Martinez, and possible appointment of a new member. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rodriguez to accept the resignation of Joe A. Martinez, City Commissioner. Motion carried unanimously. (6-0) Mayor present not voting.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to appoint Daniel Moreno to fill the unexpired term of Commissioner Martinez in the Parks & Recreation Advisory Board. Motion carried unanimously. (6-0) Mayor present not voting.

B. Weslaco Hospital Authority Board – one member needed to replace the unexpired term of Julie Majors. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Garza to appoint Benita Valadez to fill the unexpired term of Julie Majors in the Weslaco Hospital Authority Board. Motion carried unanimously. (6-0) Mayor present not voting.

## **VI. OLD BUSINESS**

- A. Discussion and consideration to fully comply with the contractual agreement of the Associate Municipal Judge, Samuel Sanchez to complete the two year term. Possible action.

Motion was made by Commissioner Garza and seconded by Mayor Pro-Tem Cuellar to comply with the two (2) year term agreement with Samuel Sanchez as Associate Municipal Judge of Weslaco that expires December 15, 2010. Motion carried unanimously. (6-0) Mayor present not voting.

## **VII. NEW BUSINESS**

- A. Discussion and consideration of adopting a long-term, community-based strategic plan titled Weslaco 100. Possible action.

Mr. Olivares recommended having a rally and invite the community, schools, churches and hospital to develop a strategic plan titled Weslaco 100 and requested permission to proceed with this project.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Tafolla to approve the City Manager's recommendation. Motion carried unanimously. (6-0) Mayor present not voting.

- B. Discussion and consideration to accept a \$6,000.00 donation from H.E. B. toward the transfer of equipment and modification to the recently acquired command post unit and approval of budget amendment to allocate the funds to the Equipment Budget Line Item, 01-518-3850 (Emergency Management). Possible action.

Motion was made by Commissioner Rivera and seconded by Mayor Pro-Tem Cuellar to accept the donation of \$6,000.00 from H.E.B. and approve the budget amendment to allocate the funds to the Equipment Budget Line Item, 01-518-3850 (Emergency Management). Motion carried unanimously. (6-0) Mayor present not voting.

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

Hernan Gonzales, Executive Director, reported the following:

1. J. C. Penney's /Lowe's / SDI - The T. J. Maxx Building was completed and the grand opening would be in August or September. The drainage canal east of Wal-Mart was in the process of being buried to use the area for a national sporting

goods store.

2. Professional - Medical Complex / Perez Development - The burial of the drainage canal for the clinic was completed. The second phase of the subdivision had been recorded and the EDC had provided a \$300,000.00 incentive grant towards the burial of the drainage ditch.
3. Sizewise was located at the Mid Valley Industrial Park and manufactures medical equipment with more than 65 locations across the United States.
4. Rio Bravo Ice – A new facility was under construction. The company had locations in Rio Bravo and Reynosa and would provide high quality ice to commercial and industrial businesses.
5. Marble Glass and Mirror Company – The new facility at the Industrial Park was almost completed. The company manufactures glass and marble products and would service customers valley wide.
6. John Stone Supply was an air condition and refrigeration system company and was located at the Industrial Park. The company would provide all kinds of parts and training to industries.
7. Pins-N-Ques - This was the bowling alley between the Mustang Lounge and The Roadhouse. It would be a restaurant, arcade and bar and would provide an area for the public to use for parties.
8. Montalvo Insurance was adding additional office to the existing building and has been housed in the same location since 1962. The EDC had authorized a façade grant upon completion of the improvements. The improvements totaled to approximately \$100,000.00.
9. Sales Tax - The sales tax receipts for May was 13.09% ahead of last year and it reflected the March sales.

Mayor Wise recommended placing benches or signs to read “Welcome to Weslaco” or any other kind of beautification project.

Mr. Gonzalez stated city staff and his office were working on placing welcome signs on certain locations.

- D. Discussion and consideration to approve the 2010 Interlocal Agreement between the City of Weslaco and Hidalgo County, Community Development Block Grant Program, (CDBG) for Year 23 Work Plan and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rodriguez to approve the 2010 Interlocal Agreement between the City of Weslaco and Hidalgo County, Community Development Block Grant Program, (CDBG) for Year 23

Work Plan and authorize the Mayor to sign the agreement. Motion carried unanimously. (6-0) Mayor present not voting.

- E. Discussion and consideration to approve the bid submitted at the January 19, 2010 Tax Resale, Suit No. T-182-04-B: the west one-half of Lots 12, 13, 14, and 15, Block 18, Esplanada Subdivision, the City of Weslaco Acct. No. E7200-00-018-0012-00, property located at 206 Sgt. M.C. Garcia Street; Bid Amount - \$8,000.00 submitted by A.C. Jaime. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Tafolla to table the item. Motion carried unanimously. (6-0) Mayor present not voting.

- F. Discussion and consideration to accept the proposal from an approved Buy Board company, G&K Services, from Corpus Christi, Texas for the purchase of Industrial Uniforms for a one year term with purchases ordered as needed. Possible action.

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

Mr. Olivares stated staff had renegotiated the cost on the employees' uniforms and saved an additional \$2,000.00 and thanked Gloria Sepulveda, Purchasing Director for her work.

Motion carried unanimously. (6-0) Mayor present not voting.

- G. Discussion and consideration to notify The Texas Department of Transportation that the City of Weslaco is not interested in purchasing a 50 foot by 263 foot by 74 foot right-of-way in front of Payne Ford-Mercury South East of Mile 4 ½ Road and U.S. Expressway 83 owned by The Texas Department of Transportation. Possible action.

Mr. Olivares recommended rescinding the action taken by the City Commission on the abovementioned item. He indicated the city was no longer interested in purchasing this property.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to notify TxDOT that the City of Weslaco was no longer interested in purchasing the right-of-way and to rescind the action taken by the Weslaco City Commission at their meeting of May 18, 2010. Motion carried unanimously. (6-0) Mayor present not voting.

- H. Discussion and consideration of a purchase from The Texas Department of Transportation a Thirty (30') foot and one hundred (100') foot drainage easements in front of the SDI Realty Shopping Center Northwest of Bridge Avenue and U.S. Expressway 83. Possible action.

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

Ramon Vela, City Attorney stated SDI Development thought the city could proceed at a faster pace to purchase this property, but it was determined that SDI Realty representatives could do it faster. He pointed out the closing date of the documents was set for August. Mr. Vela stated if the city was not interested in purchasing the property than SDI Realty would start the negotiations with TXDOT.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Garza to rescind the motion. Motion carried unanimously. (6-0) Mayor present not voting.

Mayor Wise stated the City Manager was authorized to notify TXDOT of the City Commission's action.

- I. Request from the Boys and Girls Club of the Mid Valley to utilize the interest earned monies from the Boys and Girls Club Building Fund Account for operational expenses. Possible action.

Motion was made by Commissioner Rivera and seconded by Commissioner Martinez to approve the item as presented. Motion carried unanimously. (6-0) Mayor present not voting.

- J. Discussion and consideration to amend the existing contract with BFI Waste Services of Texas L.P. dba Allied Waste Services of Rio Grande to include residential collection services. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to table the item.

Mr. Olivares stated staff was looking at an efficient and affordable rate and were working with Allied Waste to secure the best proposal for the city. He added he had some issues in the past and was working to provide the best possible service to the citizens of Weslaco.

A brief discussion was held regarding this item and Mayor Wise entertained a vote to table the item. Motion carried as follows: FOR Commissioners Tafolla and Rodriguez, Against Mayor Pro-Tem Cuellar, Commissioners Garza, Rivera and Martinez. (6-0) Mayor present not voting.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to authorize the City Manager to negotiate with Allied Waste under the terms of the current contract a rate to collect the residential garbage for the City of Weslaco and to present the proposal to the City Commission for their approval.

Commissioner Tafolla stated he would like to further discuss this item and review the numbers of the Sanitation Fund.

Mayor Pro-Tem Cuellar stated discussions had been held for the last three years and he was comfortable with the item. He understood what it cost the city to collect the garbage and the savings that the city could gain.

For the record, Commissioner Tafolla recommended to have additional discussion and to study the figures as it related to the expenses and revenues and allow other companies to bid on this item.

Motion carried as follows: FOR: Mayor Pro-Tem Cuellar, Commissioners: Garza, Rivera and Martinez. AGAINST: Commissioners: Rodriguez and Tafolla. (Votes: 4-2) Mayor present not voting.

- K. Discussion and consideration to approve Change Order No. 1 from Closner Construction for a decrease of \$377.00 in connection with the relocation of Utilities at Westgate Drive. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve the change order as presented. Motion carried unanimously. (6-0) Mayor present not voting.

- L. Discussion and consideration to amend the Internet Services Contract with Time Warner Cable Business Class and authorize the Mayor to execute the contract. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Tafolla to approve the contract as presented and authorize the Mayor to execute the agreement. Motion carried unanimously. (6-0) Mayor present not voting.

## **VIII. EXECUTIVE SESSION**

At 7:46 p.m., Tuesday, June 15, 2010, Mayor Wise announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 8:18 p.m., Tuesday, June 15, 2010, Mayor Wise announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

- A. Discussion with the City Attorney regarding the proposed settlement in *Lino Garza and Robert Valdez vs. City of Weslaco C-1653-09-H*. Possible action.

Mayor Wise asked for a moment of silence in honor of Janie Cuellar Salinas, a long time Weslaco resident.

Mayor Wise announced no action was required on Item A.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Martinez to adjourn the meeting. Motion carried unanimously. (6-0) Mayor present not voting.

**CITY OF WESLACO**

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**MAYOR**, Miguel D. Wise

**ATTEST:**

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**CITY SECRETARY**, Amanda C. Elizondo

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**MAYOR PRO-TEM**, J.F. "Johnny" Cuellar

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**COMMISSIONER**, Robert J. Garza

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**COMMISSIONER**, Rene Rodríguez, Jr.

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**COMMISSIONER**, Gerardo "Jerry" Tafolla

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Joe A. Martinez