

App 9/7/10

WESLACO CITY COMMISSION

REGULAR MEETING

AUGUST 17, 2010

On this 17th day of August, 2010 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.

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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: Bret L. Mann, Finance Director; Gloria Sepulveda, Purchasing Director; Pete Garcia, Parks & Recreation Director; Francisco Castellanos, Human Resources Director; Bernard Rodriguez, Interim Planning and Code Enforcement Director; and several other staff members and citizens.

I. CALL MEETING TO ORDER

Mayor Wise called the meeting to order.

II. ROLL CALL/ESTABLISH A QUORUM

Amanda C. Elizondo, City Secretary called the roll and a quorum was established.

III. INVOCATION/PLEDGE OF ALLEGIANCE

Howard Bloomquist, Senior Minister from Central Christian Fellowship of Weslaco gave the invocation. Mayor Wise recited the Pledge of Allegiance and the Texas Flag.

IV. 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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 July 26, 2010
2. Regular Meeting of August 3, 2010

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Garza to approve the minutes as presented. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

B. Request from Reverend Patrick K. Seitz, from St. Pius X Catholic Church to use the City of Weslaco's Parking Lot located at 255 South Kansas Avenue in connection with an Evangelization Conference to be held on Saturday, November 13, 2010 from 9:00 a.m. to 9:00 p.m. Possible action.

Motion was made by Commissioner Martinez and seconded by Commissioner Rivera to approve the request from St. Pius X Catholic Church. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

V. BOARD APPOINTMENT

A. Ambulance Advisory Board – Approval of Resolution No. 2010-23 to appoint one member to replace David Suarez. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Martinez to approve Resolution No. 2010-23 appointing Bertha Suarez to the Ambulance Advisory Board to replace David Suarez. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

For the record, Resolution No. 2010-23 reads as follows:

RESOLUTION NO. 2010-23

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE AMBULANCE ADVISORY BOARD.

WHEREAS, the City of Weslaco has established the Ambulance Advisory Board pursuant to Section 14-1(A) of Ordinance No. 78-39; and

WHEREAS, the terms of the members of this board are for two years; and

WHEREAS, the Ambulance Advisory Board members shall serve without compensation and unlimited terms; and

WHEREAS, the term of a current Ambulance Advisory Board Member expires on February 16, 2012.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Bertha Suarez is appointed to serve the unexpired term of David Suarez a two year term on the Ambulance Advisory Board and the term will expire on February 16, 2012.

PASSED AND APPROVED on this 3rd day of August, 2010.

CITY OF WESLACO
/s/ Miguel D. Wise, MAYOR

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

VI. OLD BUSINESS

- A. Reconsideration of Resolution No. 2010-26 to appoint an official member and an alternate member to the Amigos del Valle, Inc. Board of Directors for Fiscal Year 2010 to 2011. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve Resolution No. 2010-26 reappointing Eloy R. Alaniz as the official member and appoint Commissioner Joe A. Martinez as the alternate member to the Amigos del Valle, Inc. Board of Directors. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

For the record, Resolution No. 2010-26 reads as follows:

RESOLUTION NO. 2010-26

THE STATE OF TEXAS
COUNTY OF HIDALGO
CITY OF WESLACO

§ A RESOLUTION APPOINTING A MEMBER AND AN
§ ALTERNATE MEMBER TO THE AMIGOS DEL VALLE,
§ INC. BOARD OF DIRECTORS FOR FISCAL YEAR 2010-
2011

WHEREAS, the Amigos del Valle, Inc. has requested that a City of Weslaco elected official be appointed to serve as the official member of the Amigos del Valle, Inc. Board of Directors; and

WHEREAS, the City of Weslaco has elected to appoint an individual of the City of Weslaco to serve in place of the official member; and

WHEREAS, the Amigos del Valle, Inc. has requested that a City of Weslaco elected official be appointed to serve as an alternate member of the Amigos del Valle, Inc. Board of Directors; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO that Eloy R. Alaniz be appointed as the official member of the Amigos del Valle, Inc. Board of Directors.

BE FURTHER RESOLVED that Joe A. Martinez, City Commissioner be appointed as an alternate member of the Amigos del Valle, Inc. Board of Directors and a copy of this Resolution shall be delivered to the Amigos del Valle, Inc. to evidence these appointments.

PASSED AND APPROVED this 3rd day of August, 2010.

CITY OF WESLACO
/s/ Miguel D. Wise, MAYOR

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

VII. NEW BUSINESS

- A. Discussion and consideration of adjustments to the Sub-Recipient Agreement #08-SR77272-01 previously approved by the Weslaco City Commission on December 8, 2008 as part of the Homeland Security Grant 2008-GE TB-0034 to provide for an extension of time and to purchase VHF P25 Interoperable Communications Systems instead of the equipment mentioned in the original grant award (Exhibit A). Possible action.

Mr. Olivares recommended approval to extend the deadline on the funding of the abovementioned grant and the adjustments on the purchase of the equipment.

Motion was made by Commissioner Garza and seconded by Commissioner Rodriguez to approve the item as presented and recommended by the City Manager. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- B. Discussion and consideration to approve the recommendation of the Mid Valley Regional Corporation to authorize the City of Weslaco to purchase VHF P25 Interoperable Communications Systems in an amount not to exceed \$181,500.00 and authorize staff to prepare a Memorandum of Understanding between the City of Weslaco and the Mid Valley Communication Corporation for implementation of the grant. Possible action.

Motion was made by Commissioner Garza and seconded by Mayor Pro-Tem Cuellar to approve the recommendation of the Mid Valley Regional Corporation to authorize the City of Weslaco to purchase VHF P25 Interoperable Communications Systems in an amount not to exceed \$181,500.00. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

C. Discussion and consideration to authorize the Mayor to execute the following agreements between the City of Weslaco and The University of Texas Pan American to allow the Weslaco Public Library to obtain student help at no cost and provide college financial aid to local and area students. Possible action.

1. Federal Work Study (America Reads Challenge) Agreement
2. Federal Work Study (America Counts Challenge) Agreement

Motion was made by Commissioner Tafolla and seconded by Commissioner Garza to approve the agreements between the City of Weslaco and The University of Texas Pan American to allow the Weslaco Public Library to obtain student help at no cost and provide college financial aid to local and area students and authorize the Mayor to execute the agreements. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

D. Discussion and consideration to authorize the Mayor to execute the Community Service Agency Agreement between the City of Weslaco and The University of Texas Pan American to allow the Weslaco Public Library to obtain student help at forty (40) cents on the dollar while providing college financial aid to local and area students. Possible action.

Motion was made by Commissioner Rivera and seconded by Commissioner Tafolla to approve the Community Service Agency Agreement between the City of Weslaco and The University of Texas Pan American as presented and authorize the Mayor to execute the agreement. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

E. Discussion and consideration to approve a Voluntary Separation Agreement and Release for all eligible City of Weslaco Municipal Employees. Possible action.

Mr. Olivares recommended approval of the Voluntary Separation Agreement. He stated he was proposing to give an opportunity to the employees to voluntarily elect to resign. Mr. Olivares added the package would provide some benefits such as salary and extension of health care benefits. He pointed out staff was still working on it and had not finalized the details.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to approve the Voluntary Separation Agreement and Release for all eligible City of Weslaco Municipal Employees.

Mr. Olivares stated staff was hoping to have a final plan by the coming week and make it available to the employees from September 1st through September 20, 2010. He concluded by stating that depending on the outcome they would be able to determine the staff for next year.

Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- F. Discussion and consideration to extend the coverage period of the current Commercial Package Insurance Policies and Workers' Compensation Coverage subject to no rate increase and/or authorize staff to solicit proposals. Possible action.

Mr. Olivares stated staff was requesting to keep the same package for the Commercial Package Insurance Policies and Workers' Compensation Coverage subject to no rate increase. He mentioned if it could not be extended then staff would request for proposals.

Commissioner Garza stated he was aware that it would be about a 5% increase in total.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Garza to extend the coverage period of the current commercial package insurance policies and workers' compensation benefit coverage subject to no rate increase and/or authorize staff to solicit proposals. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- G. Discussion and consideration to approve Resolution No. 2010-29 to add Bret Mann, Finance Director, Sonia Flores, Accountant I and Tom Dimas, Fire Inspector III to the list of authorized representatives to the Tex-Pool Participant Services. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Martinez to approve Resolution No. 2010-29 to add Bret Mann, Finance Director, Sonia Flores, Accountant I and Tom Dimas, Fire Inspector III to the list of authorized representatives to the Tex-Pool Participant Services. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

For the record, Resolution No. 2010-29 reads as follows:

RESOLUTION NO. 2010-29

STATE OF TEXAS § RESOLUTION AUTHORIZING PARTICIPATION IN

to perform inquiry only of selected information. This limited representative cannot made deposits or withdrawals. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

4. Name: _____ Title: _____

Phone/Fax/Email: _____

- C. That this resolution and its authorization shall continue in fill force and effect until amended or revoked by the Participant and until TexPool/TexPool Prime receives a copy of any such amendment or revocation.

This Resolution is hereby introduced and adopted by the Participant at its regular meeting held on the 17th day of August, 2010.

NAME OF PARTICIPANT: City of Weslaco

BY: /s/ Miguel D. Wise
Signature

Miguel D. Wise
Printed Name

Mayor

ATTEST: /s/ Amanda C. Elizondo
Signature

Amanda C. Elizondo
Printed Name

City Secretary
Title

APPROVED AS FORM: /s/ Ramon Vela
Signature

Ramon Vela
Printed Name

City Attorney
Title

ORIGINALS REQUIRED

OFFICIAL SEAL

- H. Discussion and consideration to renew the lease agreement between the City of Weslaco and the Weslaco Youth Football League for the use of Isaac D. Rodriguez Park Athletic Fields, parking lot, concession stand and practice fields at Harlon Block Sports Complex to continue providing organized youth recreational activities for the community and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Commissioner Martinez and seconded by Commissioner Rodriguez to approve the lease agreement with the Weslaco Youth Football League for

the use of Isaac D. Rodriguez Park Athletic Fields. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

I. 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. SDI Realty – Academy had closed the agreement with SDI. TJ Maxx had opened on August 1st and construction would soon start on an additional 90,000 square feet of commercial space to house the sporting goods store and a national restaurant.
2. RGV W.O.R.D. - The first occupants on the south addition of the former bank building included a restaurant and other services. The corporate offices of RGV W.O.R.D. and Friends Health Care were under construction and expected completion date was October, 2010.
3. DOS Logistics - The former Texas Employment Commission Offices were being remodeled for the relocation of DOS Logistics. The DOS staff in La Feria and Weslaco would be housed in this facility.
4. Weslaco Hills - The site work for 125 Unit Tax Credit Project was scheduled to begin in September, 2010, Nations Construction of Houston was the owner and developer. The units would be located on West Business 83, the former site of Benitez Drive-In Theater.
5. L&W Supply - The construction on the 40,000 square feet facility was progressing well. The project was expected to be completed on December 1, 2010.
6. Texas Department of Public Safety - The construction project was progressing well and the facility would include a new driver's license office.
7. ICSC - The Texas Deal-Making Conference was scheduled for November and was an important conference. The purpose of the conference was to continue supporting the developers and to attract retailers to Weslaco.
8. Sales Tax - The sales tax receipts for August was 6.2% ahead of last year.

J. Status report from Jon M. Deicla, General Manager of BFI Waste Services of Texas, LP, a Delaware Limited Partnership d/b/a Allied Waste Services of Rio Grande regarding the transition of the residential solid waste collection services. Possible action.

Jon M. Deicla, General Manager of BFI Waste Services of Texas, LP, gave a brief report on the transition of the sanitation collection services and mentioned out of the nine

drivers, five had applied: one was declined for personal reasons, three were not qualified and one was pending the physical and screening procedures. Mr. Deicla mentioned the other employees were being placed in other positions.

Mr. Olivares stated four out of nine employees were placed in other city departments.

VIII. MAYOR'S REPORT

- A. Possible nominations for consideration as inductees to the Texas Transportation Hall of Honor sponsored by the Texas Transportation Institute.

Mayor Wise stated Texas Transportation Hall of Honor was established about ten years ago and thirty-one individuals have been honored. He mentioned nominations were done on an annual basis and the deadline for 2010-2011 was October 1, 2010. Mayor Wise recommended that if the City Commission had any nominations to submit them to the City Secretary.

IX. CITY MANAGER'S REPORT

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

Mr. Olivares reported the following:

- 1) Thanked the Ad Hoc Advisory Budget Committee for their continued assistance in the budget preparation.
- 2) Expressed his gratitude to the Fire and Police Department for working with the city in finding ways to save monies to have a balanced budget.
- 3) The budget was available for public inspection at the City Secretary's Office.
- 4) A budget workshop was scheduled with the Ad Hoc Advisory Budget Committee on August 24, 2010.
- 5) The selection committee for the Police Chief had completed their work and would submit three names for interview and a possible appointment would be announced by next week.
- 6) The Finance Department was reorganizing due to changes within the department.

X. PUBLIC COMMENTS

Irene Szedlmayer, Board of Directors for Frontera Audubon, Inc. thanked the city for lending them tables, chairs and barricades for their event.

Elizabeth Gutierrez, on behalf of Myra Garcia from Project VIDA, thanked the City Commission for their support to the VIDA Program. She presented an annual report to the City Commission and highlighted some of the services that they provided.

XI. EXECUTIVE SESSION

At 6:35 p.m., Tuesday, August 17, 2010, Mayor Wise announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 7:00 p.m., Tuesday, August 17, 2010, Mayor Wise announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

XII. POSSIBLE ACTION OF WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Consultation with the City Attorney regarding an employment contract between the City of Weslaco and South Texas College (STC) to provide security services to STC pursuant to §551.071 of the Government Code.

Mr. Olivares recommended approval of the contract based on the recommended changes; that the city be held harmless and that any cap on the actual cost of service be eliminated and compensate the officers assigned to do the service.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to authorize the Mayor to execute an agreement with the City of Weslaco and South Texas College (STC) to provide security services to STC pursuant to §551.071 of the Government Code as amended whereby the cap was removed and the cost of services be actual to the city with an indemnity agreement. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- B. Consultation with the City Attorney regarding an employment contract between the City of Weslaco and the Weslaco Independent School District to provide security services at certain designated schools pursuant to §551.071 of the Government Code.

Mr. Olivares recommended not approving the security service agreement with Weslaco Independent School District at this time. He mentioned he would contact Dr. Richard Rivera to review other options.

XIII. ADJOURNMENT

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

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Amanda C. Elizondo

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