



**WESLACO CITY COMMISSION  
REGULAR MEETING  
APRIL 19, 2011**

On this 19<sup>th</sup> day of April 2011 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 with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. "Johnny" Cuellar
Commissioner	Robert J. Garza
Commissioner	Rene Rodriguez, Jr.
Commissioner	Gerardo "Gerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Bret Mann, Finance Director; David Salinas, Public Utilities Director; Griselda Martinez, Interim Human Resources Director; Police Chief Juan Sifuentes; Fire Marshal Jimmy Cuellar; Arnold Becho, Library Director; Jim Cathey, Parks Recreation Specialist; and several other staff members and citizens.

**I. CALL TO ORDER**

- A. Roll Call/Establish a Quorum.  
Mayor Wise called the meeting to order. Elizabeth Walker, City Secretary, called the roll; a quorum was established.
- B. Certification of Public Notice.  
Mayor Wise certified the public notice of the meeting as properly posted Friday, April 15, 2011.
- C. Invocation.  
Pastor Manuel Portillo with First Baptist Church gave the invocation.
- D. Pledge of Allegiance.  
Following posting of the colors by Boy Scout Troop 100, Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- E. Mayoral Proclamations.  
The Mayor recognized Boy Scout Troop 100 and Pack 100, Library Week, Community Development Block Grant Week, and Fair Housing Month.

**II. CONSENT AGENDA**

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 of the Regular Meeting of April 5, 2011. Attachment.
- B. Approval of the request by Hidalgo County Head Start Program for use of Harlon Block Sports Complex on May 13, 2011 and waive all fees associated with the event. Attachment.
- C. Approval of the request by Xplicit Vision to use the Weslaco City Park pavilion #24 on June 25, 2011 10 a.m. - 8 p.m. for their First Annual Car Show to benefit Teach the Children and waive all fees associated with the event. Attachment.
- D. Approval of the request by RGVLowriders Car Club for use of the Weslaco City Park, pavilion #24, two parking lots, and four barricades on August 7, 2011 from 10:00 a.m. – 8:00 p.m. for their fifth annual car show and waive all fees associated with the event. Attachment.
- E. Approval of the request by St. Joan of Arc Catholic Church to close the intersections at the 100 block of Illinois and 200 block of East Second as well as the 200 block of Iowa Street and 400 block of Second Street on Friday, April 22 from 2:30 p.m. – 4:30 p.m. and waive all fees associated with the event. (Item as requested by Mayor Pro-Tem Cuellar and Commissioner Rivera.) Attachment.
- F. Approval of the request to close Texas Boulevard/FM 88 from 4th to 6th Streets from 1:00 p.m. to 7:00 p.m. on April 25, 2011 for the filming of a movie, to provide a certification of the minutes as evidence of local concurrence, and authorize the Mayor to sign any related documents as may be required by the Texas Department of Transportation for video production on state right-of-way. (Item as requested by the Mayor.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve all items of the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

### **III. OLD BUSINESS**

- A. Discussion and consideration to accept a bid received on tax resale property described as Lots 4 and 5, Block 13, L.D. Morgan's Addition, approve Resolution No. 2011-21 authorizing the tax resale, authorize a budget amendment as may be appropriate, and authorize the Mayor to execute the tax resale deed and any related documents. Possible action. (This item was tabled April 5, 2011.) Attachment.

City Manager reported that the City may acquire these properties for redevelopment and is talking with the Housing Authority and Affordable Homes of South Texas regarding a partnership toward gentrification; however, this project is not budgeted and

recommended it be approved as presented until budgeted next year. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to accept a bid received on tax resale property described as Lots 4 and 5, Block 13, L.D. Morgan's Addition, approve Resolution No. 2011-21 authorizing the tax resale, authorize a budget amendment as may be appropriate, and authorize the Mayor to execute the tax resale deed and any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Resolution No. 2011-21 reads as follows:  
RESOLUTION NO. 2011-21

STATE OF TEXAS                    §    A RESOLUTION AUTHORIZING TAX RESALE  
COUNTY OF HIDALGO           §  
CITY OF WESLACO                §

WHEREAS, by Sheriff's Sale conducted on December 1, 2009 the property described below was struck-off to Weslaco Independent School District, Trustee, pursuant to a delinquent tax foreclosure decree of the 92<sup>nd</sup> District Court, Hidalgo County, Texas, and

WHEREAS, the sum of \$5,500.00 has been tendered by A. C. Jaime of Hidalgo County for the purchase of said property pursuant to Section 34.05, Texas Tax Code Ann. (Vernon, 1982);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Weslaco that its Mayor, Miguel D. Wise, be and he is hereby authorized to execute a tax resale deed on behalf of the city conveying to A. C. Jaime all of the right, title, and interest of City of Weslaco and all other taxing units interested in the tax foreclosure judgment in the following described real property located in Hidalgo County, Texas

LOTS 4 AND 5, BLOCK 13, L. D. MORGAN'S ADDITION,  
HIDALGO COUNTY, TEXAS, AS DESCRIBED IN  
VOLUME 722, PAGE 118, DEED RECORDS OF HIDALGO  
COUNTY, TEXAS

PASSED AND APPROVED on this 19th day of April, 2011.  
/s/ Miguel D. Wise, MAYOR

ATTEST:  
/s/ Elizabeth M. Walker, CITY SECRETARY  
APPROVED AS TO FORM:  
/s/ Ramon Vela, CITY ATTORNEY

- B. Discussion and consideration to award the bid contract for the Wastewater Treatment Plat Standby Generator Set Replacement Bid No. 2010-11-04 to Holt Cat in the amount of \$235,319.83, waive the informalities of the bid, and authorize the Mayor to execute all necessary documents. Possible action. (There was no action on this item April 5, 2011.) Attachment.

The Mayor explained that as a member of Buyboard, this vendor had been pre-approved by the State. Commissioner Garza, seconded by Commissioner Tafolla, moved to award the bid contract for the Wastewater Treatment Plat Standby Generator Set Replacement Bid No. 2010-11-04 to Holt Cat in the amount of \$235,319.83, waive the informalities of the bid, and authorize the Mayor to execute all necessary documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to implement departmental reorganization with appropriate budget amendments. Possible action. (There was no action on this item April 5, 2011.) Attachment.

The City Manager indicated this would properly allocate personnel through reassignments in response to vacancies created by the Voluntary Separation Plan; for example, the reassignment of the EMS billing clerk with the Fire Department. Commissioner Tafolla, seconded by Commissioner Rivera, moved to implement departmental reorganization with appropriate budget amendments. The motion carried unanimously; Mayor Wise was present, but not voting.

#### IV. NEW BUSINESS

- A. Discussion and consideration to authorize staff to issue a Request for Proposals for the purchase of an excavator. Possible action. Attachment.

The Mayor stated this was not an eligible EDC expense; the Finance Director indicated there is no money for acquisition unless expenditures are reduced elsewhere. Other options presented for consideration were to finance with installments, to enter into a Memorandum of Understanding with another governmental agency for services, to lease until acquisition, or lease to other entities to offset the purchase cost. Mayor Pro-Tem, seconded by Commissioner Rivera, moved to take no action on this item.

- B. Discussion and consideration to accept the proposal from Raba-Kistner Consultants, Inc. in an amount not to exceed \$29,800.00 for the installation of five (5) additional gas monitoring probes at the City of Weslaco Landfill located in Alton, Texas, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

Mayor Pro-Tem explained this obligation is due to long-term agreements with the state to maintain that landfill. Commissioner Tafolla, seconded by Commissioner Martinez, moved to accept the proposal from Raba-Kistner Consultants, Inc. in an amount not to exceed \$29,800.00 for the installation of five (5) additional gas monitoring probes at the City of Weslaco Landfill located in Alton, Texas, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to approve updates to the City of Weslaco Emergency Management Plan and its Annexes A, G, L and V and authorize staff to incorporate non-substantive changes to comply with state mandate. Possible action. (Annex C was approved March 15, 2011.) Attachment.

Commissioner Garza, seconded by Commissioner Rivera, moved to approve updates to the City of Weslaco Emergency Management Plan and its Annexes A, G, L and V and authorize staff to incorporate non-substantive changes to comply with state mandate. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration regarding the scheduled opening of the U.S. Customs Facility at the Weslaco Mid Valley Airport and authorize the Mayor to execute any related documents, including the Commercial Surety Application. Possible action. Attachment.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to authorize the Mayor to execute any related documents regarding the scheduled opening of the U.S. Customs Facility at the Weslaco Mid Valley Airport, including the Commercial Surety Application. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to accept a donation of \$20,000.00 from Texas Library Association for furniture, books, and magazines at the Library Commons, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

City Manager stated this donation was passed through Eddie Zepeda, City employee who won this donation by raffle at the Texas Library Association conference. Mayor Pro-Tem Cuellar, seconded by Commissioner Rodriguez, moved to accept a donation of \$20,000.00 from Texas Library Association for furniture, books, and magazines at the Library Commons, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to utilize a paperless agenda packet for regular meetings of the City Commission. Possible action. Attachment.

There was no action on this item.

- G. Discussion and consideration to approve the lease agreement with the Lower Rio Grande Valley Development Council for use of the current Fire Prevention Office. Possible action. Attachment.

Commissioner Garza, seconded by Commissioner Martinez, moved to approve the lease agreement with the Lower Rio Grande Valley Development Council for use of the current Fire Prevention Office with changes as identified by the City Manager. The motion carried unanimously; Mayor Wise was present, but not voting.

- H. Discussion and consideration to authorize the issuance and sale of the Economic Development Corporation of Weslaco Sales Tax Revenue and Refunding Bonds, Taxable Series 2011, adopt Resolution 2011-22 relating thereto, and authorize the Mayor to execute any related documents. Possible action. Attachment.

There was no action on this item.

- I. Status reports:

1. Hernan Gonzalez, Executive Director of the Economic Development Corporation

of Weslaco, regarding monthly economic development activities.

Mr. Hernan Gonzalez reported on the employment of 100 people by Olive Garden, set to open May 2; and 200 people reassigned to Weslaco by the consolidation of Texas Department of Public Safety in June. Weslaco Hills Apartments open next month with 125 units and the developer is considering a second property. Colimex acquired five acres at the industrial park for development. Gene Powell, former resident of Weslaco, was appointed chair of the University of Texas Board of Regents. Sales tax revenues decreased, but the overall trend remains positive.

2. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.

Ms. Martha Noell reported on the shopping in Weslaco promotion in Monterrey for Semana Santa. OnionFest attendance declined slightly over last year, but more attendees were locals; she stated no hotel/motel tax revenues were expended on this event. The new magazine and map are printed and distributed.

3. James Parkey, Corplan Corrections, Inc., regarding the status of the proposed Family Unit Immigration Facility in Weslaco.

Mr. James Parkey reported that in mid-2008, the City submitted a response to a Request for Proposals for a family immigration facility. The Request was withdrawn following the change in Presidential leadership, but it may be timely to resubmit an unsolicited proposal since no such facility exists on the border. Not a jail, rather a fully-equipped residential, educational, and medical facility, it could potentially employ 180 people, with no expense of tax dollars. The City Attorney stated the City could receive a per diem for each overnight stay by every resident. Mr. Parkey will return with a proposal for consideration and possible action by the Commission.

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

A. Report on Financial Status, Departmental Update, Upcoming Meetings and Appointments. Attachment.

City Manager state that revenues at the Municipal Court declined significantly and he is working with the Court Administrator to address. David Salinas, Public Utilities Director, reported that the Water Conservation Plan will be enforced with residential sprinklers for lawn use on a prescribed weekly schedule for even and odd addresses. The goal is to reduce consumption by 3% as previously indicated to the State.

B. Report on 2011 Municipal Election. Attachment.

City Secretary presented an illustration of parking and signage restrictions at the Early Voting location, including four reserved parking spaces; the Mayor Pro-Tem requested ten total parking spaces reserved for early voters. Early voting is held May 2 – 10; the general election is conducted May 14.

C. Report on Traffic Controls at Los Arcos Subdivision.

City Manager reported that police patrols increased in the subdivision; street strips also are being considered as a traffic control there.

**VI. PUBLIC COMMENTS**

Mr. Carlos Guerra, of 1205 West Fourth Street, lamented that the City's recycling program offers insufficient hours and signage.

**VII. EXECUTIVE SESSION**

At 7:53 p.m., Mayor Wise recessed the regular meeting to convene in Executive Session.

At 8:22 p.m., Mayor Wise announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

**VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED  
IN EXECUTIVE SESSION**

- A. Pending Litigation – Consult with City Attorney regarding CL-11-1112-E *Baudelio Castillo v. City of Weslaco, Texas; Weslaco Police Department; Leonardo Olivarez; Texas Municipal Police Association; Kevin Lawrence, Weslaco Municipal Police Union; Alvino Flores; Robert Lopez; Dolores Gandy Salinas; Federico Salazar; Armando Espinoza; Ted Stuart Walensky; Gabriel Medellin; Eduardo Galvan; Mobile Video Tapes, Inc., d/b/a KRGV TV Channel 5 News Station and Jordan Williams* pursuant to §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to authorize the City Attorney to retain special counsel to file an answer in response to regarding CL-11-1112-E *Baudelio Castillo v. City of Weslaco, Texas; Weslaco Police Department; Leonardo Olivarez; Texas Municipal Police Association; Kevin Lawrence, Weslaco Municipal Police Union; Alvino Flores; Robert Lopez; Dolores Gandy Salinas; Federico Salazar; Armando Espinoza; Ted Stuart Walensky; Gabriel Medellin; Eduardo Galvan; Mobile Video Tapes, Inc., d/b/a KRGV TV Channel 5 News Station and Jordan Williams*. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Consultation – Consult with the City Manager and City Attorney regarding the possible investigation of the acts and conduct of employees in a City of Weslaco Department pertaining to the City Cemetery pursuant to Article V §19 of the Weslaco City Charter and §551.071 (2) of the Texas Government Code.

There was no action on this item.

**IX. ADJOURNMENT**

With no other business before the Commission, at 8:24 p.m. Commissioner Martinez, seconded by Mayor Pro-Tem Cuellar, moved to adjourn the April 19, 2011 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

**CITY OF WESLACO**

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**MAYOR**, Miguel D. Wise

**ATTEST:**

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**CITY SECRETARY**, Elizabeth M. Walker

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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 Rodriguez, Jr.

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**COMMISSIONER**, Gerardo "Gerry" Tafolla

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