



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
JUNE 5, 2012**

On this 5th day of June 2012 at 5:30 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	Gerardo "Jerry" 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; David Salinas, Public Utilities Director; Oscar Garza, Public Facilities Director; Erasmo Lozano, Public Facilities Assistant Director; Interim Police Chief Michael Kelley; Fire Chief Jimmy Cuellar; Arnold Becho, Library Director; and several other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Friday, June 1, 2012.
- B. Mayoral Proclamations and Recognitions.
Mayor presented proclamations recognizing Mr. Andy Veliz, on the occasion of his 30th anniversary as Chairman of Board of Appeals & Adjustments of Zoning.
- C. Invocation.
Dr. Akram Rana from the RGV Islamic Center delivered the invocation.
- D. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- E. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioner Noriega.

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withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 the Minutes of the Regular Meeting of May 15, 2012. (Requested by City Secretary's Office.) Attachment.
- B. Approval of Resolution 2012-40 adding the Assistant Finance Director to the list of authorized municipal officials able to transact financial business with BBVA Compass Bank. (Requested by Finance Department.) Attachment.
- C. Approval of Resolution 2012-41 adding the Assistant Finance Director to the list of authorized municipal officials able to transact financial business with First National Bank. (Requested by Finance Department.) Attachment.
- D. Approval of Resolution 2012-51 adding as an authorized representative for TexPool Gloria Givilancz, Assistant Finance Director, as the Primary Authorized Representative and keeping Leonardo Olivares, City Manager, and Ramon Vela, City Attorney, as authorized representatives. (Requested by Finance Department.) Attachment.
- E. Approval of Change Request No. 1 authorizing a 60-day time extension for a new completion date of June 30, 2012 to the contract with Meridian Solar, Inc., dated December 15, 2010 and amended February 24, 2012, and authorize the Mayor to execute any related documents associated with this change order. (Requested by Public Utilities Department.) Attachment.
- F. Authorization for Mayor Miguel D. Wise to execute the Certificate of Categorical Exclusion HUD Form 24 CFR 58.35(a) for the Weslaco Housing Authority for the 2012 Capital Funds Program. (Requested by the Weslaco Housing Authority.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2012- 40

STATE OF TEXAS § RESOLUTION AUTHORIZING MAYOR
COUNTY OF HIDALGO § MIGUEL D. WISE, MEMBERS OF THE
CITY OF WESLACO § CITY COMMISSION, AND APPROPRIATE
§ STAFF AS SIGNATORIES ON CERTAIN
LEGAL FINANCIAL DOCUMENTS FOR
THE CITY OF WESLACO

1. I, Elizabeth M. Walker, certify that I am the City Secretary of The City of Weslaco, organized under the laws of Texas, Federal Employer ID Number 74-6002544, engaged in Municipal business under the name of the City of Weslaco, and that the following is a correct copy of the resolution adopted at a meeting of the City Commission duly and properly called and held on June 5, 2012. This resolution appears in the minutes of this meeting and has not been rescinded or modified.

2. Be it Resolved that,
 - (a) BBVA Compass Bank is designated as a depository for the funds of the City of Weslaco.
 - (b) This resolution shall continue to have effect until express written notice of its rescission or modification has been received and recorded by this Financial Institution.
 - (c) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the City of Weslaco with this financial institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
 - (d) Any of the persons named below, so long as they act in a representative capacity as agents of the City of Weslaco, are authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with this financial institution, concerning funds deposited in this financial institution, moneys borrowed from this financial institution or any other business transacted by and between the City of Weslaco and this financial institution subject to any restrictions stated below.
 - (e) Any and all prior resolutions adopted by the City Commission of the City of Weslaco and certified to this Financial Institution as governing the operations of the City of Weslaco's account(s), are in full force and effect, unless supplemented or modified by this authorization.
 - (f) The City of Weslaco agrees to the terms and conditions of any account agreement, properly opened by any authorized representative(s) of the City of Weslaco, and authorizes the financial institution named above, at anytime, to charge the City of Weslaco for all checks, drafts, or other orders, for the payment of money, that are properly drawn on this financial institution, and contain the required number of signatures for this purpose.

3. The officials designated below are authorized to conduct business as indicated:

	Name and Title	Signature
(A)	Miguel D. Wise, Mayor	_____
(B)	John F. Cuellar, Mayor Pro-Tem	_____
(C)	Robert J. Garza, Commissioner	_____
(D)	Olga M. Noriega, Commissioner	_____
(E)	Gerardo Tafolla, Commissioner	_____
(F)	Lupe Rivera, Commissioner	_____
(G)	Joe A. Martinez, Commissioner	_____
(H)	Leonardo Olivares, City Manager	_____
(I)	Elizabeth M. Walker, City Secretary	_____
(J)	Gloria Givilancz, Asst. Finance Director	_____

Indicate A, B, C, D and/or E

A – H (1) Exercise all of the powers listed (2) through (9)

A – H, J (2) Open any deposit or checking account(s) in the name of the City of Weslaco

A – H (3) Endorse checks and orders for the payment of money and withdraw funds on deposit with this financial institution.

Number of authorized signatures required for this purpose 2.

Number of authorized signatures required for payroll purpose 1.

- (c) All transactions, if any, with respect to any deposits, withdrawals, rediscounts and borrowings by or on behalf of the City of Weslaco with this financial institution prior to the adoption of this resolution are hereby ratified, approved and confirmed.
- (d) Any of the persons named below, so long as they act in a representative capacity as agents of the City of Weslaco, are authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with this financial institution, concerning funds deposited in this financial institution, moneys borrowed from this financial institution or any other business transacted by and between the City of Weslaco and this financial institution subject to any restrictions stated below.
- (e) Any and all prior resolutions adopted by the City Commission of the City of Weslaco and certified to this Financial Institution as governing the operations of the City of Weslaco's account(s), are in full force and effect, unless supplemented or modified by this authorization.
- (f) The City of Weslaco agrees to the terms and conditions of any account agreement, properly opened by any authorized representative(s) of the City of Weslaco, and authorizes the financial institution named above, at anytime, to charge the City of Weslaco for all checks, drafts, or other orders, for the payment of money, that are properly drawn on this financial institution, and contain the required number of signatures for this purpose.

3. The officials designated below are authorized to conduct business as indicated:

Name and Title	Signature
(A) Miguel D. Wise, Mayor	_____
(B) John F. Cuellar, Mayor Pro-Tem	_____
(C) Robert J. Garza, Commissioner	_____
(D) Olga M. Noriega, Commissioner	_____
(E) Gerardo Tafolla, Commissioner	_____
(F) Lupe Rivera, Commissioner	_____
(G) Joe A. Martinez, Commissioner	_____
(H) Leonardo Olivares, City Manager	_____
(I) Elizabeth M. Walker, City Secretary	_____
(J) Gloria Givilancz, Asst. Finance Director	_____

Indicate A, B, C, D and/or E

- A – H (1) Exercise all of the powers listed (2) through (9)
- A – H, J (2) Open any deposit or checking account(s) in the name of the City of Weslaco
- A – H (3) Endorse checks and orders for the payment of money and withdraw funds on deposit with this financial institution.
Number of authorized signatures required for this purpose 2.
Number of authorized signatures required for payroll purpose 1.
- A – H (4) Open any certificate of deposit account and withdraw or transfer funds from the certificate of deposit on deposit with this financial institution.

Number of authorized signatures required for this purpose 2.

- A – H, J (5) Transfer funds from operations account to the payroll account, investment account or paying agent approved by City Commission by telefax or other electronic means.
Number of authorized signatures required for this purpose 1.
- A – H (6) Borrow money on behalf and in the name of the City of Weslaco executes and delivers promissory notes or other evidences of indebtedness.
Number of authorized signatures required for this purpose 2.
- A – H (7) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the City of Weslaco as security for sums borrowed and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.
Number of authorized signatures required for this purpose 1.
- A – H, J (8) Enter into written lease for the purpose of renting and maintaining a Safe Deposit Box in this financial institution.
Number of authorized signatures required to gain access and to terminate the lease 1.
- A – J (9) Authorized to make inquiries as to status, account balance pertaining to the City of Weslaco.

4. I further certify that the City Commission of the City of Weslaco has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the foregoing resolutions and to confer the power granted to the persons named who have full power and lawful authority to exercise the same.

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of this Corporation on June 5, 2012.

RECONSIDERED, PASSED AND APPROVED on June 5, 2012 to expand administrative authority for the Finance Director.

RESOLUTION NO. 2012-42



RESOLUTION AMENDING AUTHORIZED REPRESENTATIVES

WHEREAS, City of Weslaco

(Participant Name & Location Number)

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ Texpool Prime"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and
C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name: Leonardo Olivares Title: City Manager
Phone/Fax/Email: Phone: (956) 968-3181, Fax: (956) 968-6672, Email: lolivares@weslacotx.gov
Signature:

2. Name: Gloria Givilancz Title: Assistant Finance Director
Phone/Fax/Email: Phone: (956) 973-3112, Fax: (956) 968-6717, Email: ggivilancz@weslacotx.gov
Signature:

ORIGINALS REQUIRED

TEX - REP

TexPool Participant Services • Federated Investors Inc
1001 Texas Ave., Suite 1400 • Houston, TX 77002 • www.texpool.com • 1-866-839-7665

01/11

3. Name: Ramon Vela Title: City Attorney
Phone/Fax/Email: Phone: (956) 968-3181, Email: rvela@weslacotx.gov
Signature: _____

4. Name: _____ Title: _____
Phone/Fax/Email: _____
Signature: _____

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name Gloria Givilancz

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name: Tom Dimas Title: Fire Inspector III
Phone/Fax/Email: Phone: (956) 447-1990, Email: tdimas@weslacotx.gov

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the _____ day _____, 20 ____.

NAME OF PARTICIPANT: _____

BY: _____

Signature _____

Printed Name _____

Title _____

ATTEST: _____

Signature _____

Printed Name _____

Title _____

This document supersedes all prior Authorized Representative designations.

ORIGINALS REQUIRED

TexPool Participant Services • Federated Investors Inc
1001 Texas Ave., Suite 1400 • Houston, TX 77002 • www.texpool.com • 1-866-839-7665

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/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

III. NEW BUSINESS

- A. Discussion and consideration to approve the utilization of Federal Equitable Sharing funds in an amount not to exceed \$42,000.00 for equipment at the Police Department and amend budget as proposed. Possible action. (Requested by Police Department.) Attachment.

The City Manager explained this program allows money for equipment at the Police Department. Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to approve the Final Plat and variance request as recommended by Planning & Zoning Commission for Comanche Subdivision being

Possible action. (Requested by Planning/Code Enforcement Department.) Attachment.

The City Manager stated this is a 34 lot subdivision on septic systems with North Alamo Water Supply Corporation as the water service provider. Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item without any variance as requested. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to approve the Final Plat of Pam Square Subdivision being a 0.564 acre tract of land out of Lot 1, Reserve Tract "B", 400 West U.S. Expressway 83 Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning/Code Enforcement Department.) Attachment.

The City Manager explained this is a one lot subdivision at Texas Boulevard and Expressway 83; both the Planning & Zoning Commission and staff recommend approval. Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to close out the construction manager-at-risk contract with Saenz Utilities for the emergency rehabilitation of Lift Station 36 and authorize final payment of any outstanding invoices in an amount not to exceed \$2,000.00 for the design construction documents. Possible action. (Requested by Public Facilities Department.) Attachment.

The City Manager stated this is a construction manager-at-risk project, twice declared an emergency; Saenz Utilities elects not to continue work on this project. Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to enter into a contract with JF Utility & Trenching for construction manager-at-risk services as authorized by §271.118 of the Texas Local Government Code for the emergency rehabilitation of Lift Station 36 and authorize the Mayor to execute any related documents. Possible action. (Lift Station 36 was declared an imminent threat as per §252.022(a)(2) of the Texas Local Government Code on November 1, 2011.) (Requested by Public Facilities Department.) Attachment.

The City Manager stated this item relates to the preceding item, adding he contacted JF Utility & Trenching because he worked with them previously and recommends them. Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to enter into a professional services agreement with JE Saenz & Associates for engineering services to provide oversight review of all

construction and engineering on the emergency rehabilitation of Lift Station 36. Possible action. (Requested by Public Facilities Department.) Attachment.

The City Manager stated he recommends JE Saenz & Associates to act as the City's representative, in the absence of the city engineer and as per the subsequent agenda item, Mr. Richard LeFevre cannot review his own work. Upon approval of this item, the City Manager will negotiate costs and return to the Commission with a contract for consideration.

Commissioner Rivera, seconded by Commissioner Garza, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to enter into a professional services agreement with LeFevre Environmental & Management Consulting LLC for managing, planning, inspection and engineering services and authorize the Mayor to execute the agreement. (Requested by City Manager.) Attachment.

The City manager recommends LaFevre Environmental & Management Consulting LLC to provide planning services in the absence of a planning director/city engineer; the proposed fee as presented does not exceed the budgeted salary for the same. Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

IV. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.

The City Manager reported that the Summer Reading Program started at the Library; the City prevailed in its arbitration with the Police Union to reduce members' retirement contributions as a management right; the draft budget process commences next week; the municipal auction was successful and hurricane season is underway.

Commissioners Tafolla and Rivera requested that the City start now to establish a shelter for hurricane season; the Mayor Pro-Tem requested a written packet of required accommodations to the City may entertain an interlocal agreement with other entities, such as the school district, Red Cross, or Development Council, that may properly administer the shelter.

V. PUBLIC COMMENTS

Mr. Tomas Perez of 705 East Highway 83, requested assistance in obtaining the required permit for a meter at his trailer park. The Mayor directed the City Attorney to investigate if the property is grandfathered from the applicable ordinance.

VI. EXECUTIVE SESSION

At 6:00 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 6:44 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

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

- A. Land Acquisition - Discussion and consideration to acquire surplus real property from the Texas Department of Transportation pursuant to §551.072 of the Texas Local Government Code.

Commissioner Garza, seconded by Commissioner Tafolla, moved to authorize the City Manager to notify the Texas Department of Transportation that the City of Weslaco is interested in acquiring surplus Right-of-Way property belonging to the State of Texas located at the Southwest corner of the intersection of Expressway 83 and FM 1015, covering approximately 1.6 acres. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Economic Development - Discussion with City Manager and the Executive Director of The Economic Development Corporation of Weslaco regarding the following economic development projects as authorized by §551.087 of The Texas Local Government Code:

- A. The expenditure by The Economic Development Corporation of Weslaco of a \$130,000.00 incentive for a local business expansion, Arturo's Bar and Grill.

Commissioner Martinez, seconded by Mayor Pro-Tem Cuellar, moved to authorize the Economic Development Corporation to enter into an economic agreement with Arturo's Bar and Grill as discussed in Executive Session in an amount not to exceed \$130,000.00. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. The expenditure by The Economic Development Corporation of Weslaco of a \$200,000.00 incentive for local business expansion, Colimar International Logistics (CIL).

Commissioner Garza, seconded by Commissioner Martinez, moved to authorize the Economic Development Corporation to enter into an economic agreement with Colimar International as discussed in Executive Session in an amount not to exceed \$200,000.00. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Pending Litigation - Discussion with City Attorney regarding the Settlement and Release Agreement in Cause No. 7-10-CV-00429 styled *Julio Cesar Duran vs. City of Weslaco, et al*, as authorized by §551.071 of the Texas Local Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to authorize the Mayor to execute Settlement and Release Agreement in Cause No. 7-10-CV-00429 styled *Julio Cesar Duran vs. City of Weslaco, et al* as discussed. The motion carried

unanimously; Mayor Wise was present, but not voting.

- D. Land Acquisition – Discussion with City Manager regarding the acquisition of real property for the Weslaco Mid-Valley International Airport for the TxDOT Aviation Division runway extension project as authorized by §551.072 of the Texas Local Government Code.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to authorize the City Manager and City Attorney to negotiate a Professional Service Agreement to appraise the tract of land as discussed and as needed for a runway extension project at the Weslaco Mid Valley Airport. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Land Acquisition – Discussion with City Manager regarding the acquisition of real property for a new water reservoir for the City of Weslaco Water Treatment Plant as authorized by §551.072 of the Texas Local Government Code.

Commissioner Tafolla, seconded by Commissioner Garza, moved to authorize the City Manager and City Attorney to negotiate a Professional Service Agreement to appraise the tract of land as discussed needed for as discussed and as needed for new water reservoirs for the City Water treatment plant. The motion carried unanimously; Mayor Wise was present, but not voting.

VIII. ADJOURNMENT

With no other business before the Commission, at 6:48 p.m. Commissioner Tafolla, seconded by Commissioner Martinez, moved to adjourn the June 5, 2012 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

COMMISSIONER, Robert J. Garza

(absent)
COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez