

App. 5/19/09

**WESLACO CITY COMMISSION**

**REGULAR MEETING**

**MAY 5, 2009**

On this 5<sup>th</sup> day of May, 2009 at 5:03 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        | J.F. "Johnny" Cuellar |
| Commissioner         | Soyla R. Gonzalez     |
| Commissioner         | Rene Rodriguez, Jr.   |
| Commissioner         | Adrian Gonzalez       |
| Commissioner         | Lupe V. Rivera        |
| Commissioner         | Patrick B. Kennedy    |
| City Manager         | Anthony Covacevich    |
| Asst. City Secretary | Janie V. Balli        |
| City Attorney        | Ramon Vela            |

Also present: Leroy Gonzalez, Interim Finance Director; Pete Garcia, Parks & Recreation Director; Gloria Sepulveda, Purchasing Director, and several other staff members and citizens. Mayor de la Rosa called the meeting to order, a quorum was established and the following proceedings were held.

Mayor de la Rosa announced May 5<sup>th</sup> was Cinco de Mayo in Mexico in honor of the Battle of Puebla.

Reverend Mario Perez, from the Assembly of God Church of Weslaco, gave the invocation. Mayor Pro-Tem Cuellar 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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 – April 21, 2009

B. Request from the Viejitos Car Club Rio Grande Valley Texas Chapter to host the 6<sup>th</sup> Annual Car Show at the Weslaco City Park, 2 Parking Lots and Pavilion #24 on Saturday, July 11, 2009 and to waive all fees associated with the event. Possible action.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Kennedy to approve the consent agenda as presented. Motion carried unanimously.

**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. PUBLIC HEARING**

A. To discuss the following unoccupied buildings or premises to determine if they have become dilapidated, substandard, unfit for human habitation and a hazard to the health, safety, and welfare of the citizens of the City of Weslaco as per Ordinance No. 86-24.

Daniel Saenz, Code Enforcement Inspector stated the required public notices had been mailed to the property owners informing them of the following dilapidated structures as per the Appraisal District Office's records. He pointed out the necessary inspections and title searches had been conducted. Mr. Saenz added he had notified the property owners of the City Commission Public Hearing and the notice was published in the Monitor Newspaper on April 24, 2009 and May 1, 2009.

1. 109 S. Kansas Ave, being Lots 20-21, Block C, Weslaco Original Townsite, an Addition to the City of Weslaco, Hidalgo County, Texas. Owner: Juan Manuel Luna. Possible action.

Mayor de la Rosa announced this was a public hearing and anyone wishing to speak for or against it could do so after staff's presentation.

Mr. Saenz stated he had contact with the owner, Juan Manuel Luna and Mr. Luna had agreed that the structure needed to be demolished. He highlighted the conditions of the structure

and stated the roof had several areas of deterioration, the electrical components needed to be completely restored and had broken windows. Mr. Saenz stated the plumbing and electrical wiring did not meet the city codes and the foundation was shifting.

Mr. Luna stated he was in agreement to demolish the structure, but did not have any money and requested an extension of sixty days aside from what staff was recommending. He mentioned they could place a lien on the property.

Mayor de la Rosa stated the city would work with Mr. Luna subject to a plan being presented to address the situation.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Rodriguez to close the public hearing. Motion carried unanimously.

Motion was made by Commissioner A. Gonzalez and seconded by Mayor Pro-Tem Cuellar to grant the property owner 120 days to demolish the structure. Motion carried unanimously.

2. 300 S. Guerra Ave. being Lot 2 - improvements only, - Block 2, Molby Subdivision Revised, an Addition to the City of Weslaco, Hidalgo County, Texas. Owner: Enemencio Elias (deceased) C/O Frances Elias Tovar. Possible action.

Mayor de la Rosa announced this was a public hearing and anyone wishing to speak for or against it could do so after staff's presentation.

Mr. Saenz stated the structure was built in the 1950's and the exterior walls were covered with asphalt material. He added the building had been vacant for the last five years and he had made contact with Frances Tovar because she had interest in the property. Mr. Saenz pointed out the owner was deceased and there was no title on the property. He indicated the structure was located on a right-of-way and was owned by Mrs. Tovar's mother who resided in a different structure within the same lot. Mr. Saenz stated the siding of the structure was deteriorated, windows were broken accessible to animals, drainage pipe were rusted; the roof was in very poor condition; the sheetrock was damaged and there was mold in the interior of the structure.

Mrs. Tovar stated they were not given permission to continue the repairs due to the location of the property. She added they were paying taxes on the land and was included in the appraisal value. Mrs. Tovar stated she stopped paying taxes after her parents passed away, but would maintain the yard and her was not sure whether or not the land would continue to be theirs. She asked if the city had any plans for this land.

Mayor de la Rosa asked Ramon Vela, City Attorney, if the land belonged to the city and since when.

Mr. Vela responded yes and it belonged since the day it was platted in 1950. He added the improvements on the land were separately taxed and was not fixed to the land. Mr. Vela stated this was one property that the city had to demolish and the owner could not expect payment in return. He indicated the City Commission could take action to condemn the property

and Mrs. Tovar agreed that the improvements would not be repaired and the city would have to absorb the cost to demolish it.

Motion was made by Commissioner A. Gonzalez and seconded by Mayor Pro-Tem Cuellar to close the public hearing. Motion carried unanimously.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to demolish the property located at 300 S. Guerra Avenue at the city's expense. Motion carried unanimously.

Mrs. Tovar stated that if the city did not open a street than she would be interested in buying the property at a reasonable price because they were the only ones living there.

Mayor de la Rosa stated that a right of first refusal document would have to be considered if the city did not utilize the property and the City Commission would have to act on it.

3. 205 E. Casa Blanca, being Lots 13-14, Block 4, B.F. White Addition, a Subdivision to the City of Weslaco, Hidalgo County, Texas. Owner: Arnulfo & Ernestina Rodriguez. Possible action.

Mayor de la Rosa announced this was a public hearing and anyone wishing to speak for or against it could do so after staff's presentation.

Mr. Saenz stated this property is also known as 205 Sgt. M. Garcia and is a two bedroom frame structure. He mentioned the structure was abandoned since 2004. Mr. Saenz stated taxes are owned on the property and the owners are deceased. He made contact with Roman in Michigan that has been trying to get a permit but was not able to deed the property over to him. Mr. Saenz mentioned contact was made with a family member in Weslaco and he was not able to get documentation. He stated there have been complaints that people have access to the building and the back door is unsecured. Mr. Saenz mentioned the electrical is exposed in the exterior which needs to be restored and brought up to code. He stated there is some shifting on the structure causing damage to the roof. Mr. Saenz mentioned there is some damage to the lower siding due to lack of maintenance. He stated on the interior they had done some work on the structure and had installed some electrical wiring. Mr. Saenz mentioned there is some graffiti on the walls.

Representative, for Arnulfo & Ernestina Rodriguez stated the lawyer that was hired for this matter moved with no contact information. He mentioned they are ready to see what needs to be done. Representative stated they do not want to do a lot of improvements because they do not know if the property will be deeded to them. He mentioned they do not know how much time they need but they will talk to the lawyer.

Mayor de la Rosa stated if they have an interest in the property they will give him sixty days to contact the attorney. He mentioned at the end of sixty days, they need to bring a plan of action.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Rivera to close the public hearing. Motion carried unanimously.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Rivera to grant him the sixty days to contact an attorney and if he needs more time bring the city a plan. Motion carried unanimously.

4. 615 E. Sugarcane, being Lot 6, Country Acres, a Subdivision to the City of Weslaco, Hidalgo County, Texas. Owner: Epifanio & Alejandra Hernandez. Possible action.

Mayor de la Rosa announced this was a public hearing and anyone wishing to speak for or against it could do so after staff's presentation.

Mr. Saenz highlighted the conditions of the structure and stated it was abandoned, the property had potable water and taxes were owed on the property. He added no contact was made with the owner and the property was secured by a neighbor. Mr. Saenz mentioned they did a title search on the property and the address shown on the title was from Florida. He stated an attempt had been made to notify the owner, but there was none. Mr. Saenz pointed out the windows and doors were broken, the structure was greatly deteriorated; the city had to cut the grass for approximately three years; the electrical wiring did not meet the city code and there was a large palm tree causing damage to the roof.

Mr. Vela stated that when the owner could not be located the city would take the extra of publishing a notice which the city had done. He mentioned the city had met the requirements under the ordinance and could proceed to demolish the structure and placing a lien on it.

Mr. Saenz recommended that the structure be demolished by the owner within sixty days due the substandard conditions of the structure.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to close the public hearing. Motion carried unanimously.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Kennedy to follow staff's recommendation and declared the property a nuisance and that it be demolish within sixty days.

Motion carried unanimously.

5. 2213 W. Dallas Dr., being Lot 7, Block 12, Expressway Heights UT 3, a Subdivision to the City of Weslaco, Hidalgo County, Texas. Owner: Adelina Lopez. Possible action.

Mayor de la Rosa announced this was a public hearing and anyone wishing to speak for or against it could do so after staff's presentation.

Mr. Saenz stated the city was not able to make contact with the owner and the property had high weeds, the exterior of the structure was in poor conditions, had termite damage, the windows were broken; the electrical wiring needed to be completely restored to meet the city code; the roof was damaged and the interior doors were rotten. He stated there was another structure in the rear of the property that had debris and items inside and it was a fire hazard.

Motion was made by Commissioner Kennedy and seconded by Commissioner A. Gonzalez to close the public hearing. Motion carried unanimously.

Motion was made by Commissioner A. Gonzalez and seconded by Mayor Pro-Tem Cuellar to accept staff's recommendation. 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 of the 2.590 acre tract of land out of Farm Tract 710, Block 136, West and Adams Tract Subdivision at 2700 E. Business 83, from "R-1" One Family Dwelling District Zoning to "B-2" Secondary and Highway District Zoning. First reading of Ordinance No. 2009-12. (Requested by Mejia and Rose, Inc.) Possible action.

Elizabeth Walker, Long Range Planner stated the proposed site fronted the south side of US Business 83 just east of Pleasantview Drive and west of FM 1015. She mentioned the applicant was requesting to rezone the property to establish a commercial use. Ms. Walker stated the City of Weslaco Comprehensive Plan Future Land Use map recommended a desirable land use pattern as commercial use. She mentioned the notice of the public hearing was published on March 30, 2009 in the Monitor Newspaper. Ms. Walker stated notice of the rezone request had been mailed to 19 property owners residing within the 200' radius of the development. She added no comments were received and the Planning and Zoning Commission voted to approve the request on March 18<sup>th</sup>. She recommended adherence to the City of Weslaco Comprehensive Plan.

Motion was made by A. Gonzalez and seconded by Mayor Pro-Tem Cuellar to close the public hearing. Motion carried unanimously.

Motion was made by Commissioner Rodriguez and seconded by Commissioner S. Gonzalez to approve the request as presented. Motion carried unanimously.

- C. 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 of all of Proclaim the Savior Subdivision at 914 W. Pike Blvd. from "R-2" Duplex and Apartment District Zoning to "B-2" Secondary and Highway District Zoning. First reading of Ordinance No. 2009-13. (Requested by Sirach LTD) Possible action.

Ms. Walker stated the property fronted the north side of Pike Blvd. just west of Border Avenue. She mentioned the applicant was requesting to rezone the property to establish a commercial use. Ms. Walker pointed out the Weslaco High School Campus was directly across the street of the project site and was currently zoned "R-2" Duplex and Apartment District and was adjacent to "B-1" Neighborhood Business District zone property to the east and west side. She mentioned the City of Weslaco Comprehensive Plan Future Land Use Map recommended a desirable land use pattern as regional commercial use. Ms. Walker stated the notice of the public hearing was published March 30<sup>th</sup> in the Monitor Newspaper and letters were mailed to 19 property owners residing within the 200' radius notifying them of the public hearing. She mentioned staff received a petition from five property owners who were against the construction of the apartments. Ms. Walker stated on April 15<sup>th</sup> the Planning and Zoning Commission voted

to recommend a less intensive "B-1" Neighborhood Business District zone as a result of the proximity of the Weslaco High School Campus. She mentioned staff recommended adherence to the City of Weslaco Comprehensive Plan.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Kennedy to close the public hearing. Motion carried unanimously.

Mr. Vela stated a majority vote was required from the City Commission due to the objections received because it triggered 20%.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to approve the request as presented to change the zone from an "R-2" to "B-2".

Mr. Covacevich stated the Planning and Zoning Commission recommended a "B-1."

Mayor de la Rosa stated the agenda called for a "B-2" and the motion was to approve a "B-2".

Commissioner Kennedy stated "B-1" classification would go well with the businesses in the area and would be a compliment.

Mr. Covacevich stated the applicant requested a "B-2"; however, the Planning and Zoning Commission recommended a "B-1" intensive use. He mentioned the business could operate and also apartments.

Mayor Pro-Tem Cuellar stated if the Mayor would recognize his motion, he would like for the motion to read a "B-1" instead of a "B-2". The motion was seconded by Commissioner A. Gonzalez.

Mayor de la Rosa asked for a hand vote.

Motion carried unanimously.

- D. 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 Lots 1 through 4, Re-Plat of Red Bird Subdivision No. 2, Hidalgo County, Texas from "R-1" Single Family Dwelling District Zoning to "R-2" Duplex and Apartment District Zoning and Lots 5 through 9, Re-Plat of Red Bird Subdivision No. 2, Hidalgo County, Texas from "R-1" Single Family Dwelling District Zoning to "B-2" Secondary and Highway District Zoning. First reading of Ordinance No. 2009-14. (Requested by Robert Perales) Possible action.

Ms. Walker stated the applicant was requesting to re-zone Lots 1 through 4 for apartment use and Lots 5 through 9 for commercial use. She mentioned the property was currently zoned "R-1" Single Family Residential and Lots 1 through 4 were fronting Plaza Los Encinos Drive and Moreland Drive and Lots 5 through 9 were fronting Expressway 83. Ms. Walker stated the property adjacent to the proposed development and the property to the west and east to the Weslaco City Limits were B-2" Secondary and Highway District. She mentioned Tierra Prometida Subdivision ("R-1" Single Family District) was to the south of the proposed

development. Ms. Walker stated the City of Weslaco Comprehensive Plan Future Land Use Map recommended a desirable land use pattern consistent with the requested zone. She mentioned the regional commercial land use for the Expressway 83 Frontage and Multi-Family was a buffer between the commercial and residential zoned property to the south. Ms. Walker stated on March 30<sup>th</sup> the public notice was published in the Monitor Newspaper and notification was given to 29 property owners residing within the 200' radius. She mentioned no objections were received and on March 18<sup>th</sup> the Planning and Zoning Commission recommended approval of the request. Ms. Walker recommended adherence to the City of Weslaco Comprehensive Plan.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to close the public hearing. Motion carried unanimously.

Motion was made by Commissioner S. Gonzalez and seconded by Commissioner Rodriguez to approve the item as presented. Motion carried unanimously.

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

##### **A. Status report on the City of Weslaco's Construction Projects**

Mr. Anthony Covacevich, City Manager, reported the following.

- 1) Westgate Drive Paving North of Expressway 83 – Several meetings had been conducted with the different utilities companies for the relocation of the utilities lines. The utility companies were in agreement to relocate the lines to the new right-of-way area to proceed with the paving.
- 2) Traffic Signal at 8<sup>th</sup> Street & Texas Blvd. – The construction work on the signal light was being advertised through the use of signs advising the public of the signal construction work. The equipment had been located at the site and the construction would be completed by the end of May, 2009.
- 3) Valley Nature Center – There was an item on the agenda for the City Commission's consideration to award some of the construction work for this project.
- 4) Shopping Center Infrastructure – Sigler, Winston and Greenwood was working on the drainage ponds. The property had been surveyed drafted and were trying to develop how it would tie in with the development of the Lowe's and J.C. Penney. They were finishing the boring under Paso del Norte Blvd. to tie in the detention facilities.
- 5) Republic/Railroad Crossing – This project would start this month, the Highway Department would be designing the mask arms for the safety crossing and it would interfere with the electrical lines. Two small arms would be installed instead of one long arm to block the traffic.

Commissioner Kennedy inquired about Las Brisas Drainage Project.

Mr. Covacevich stated this item was allocated in the Urban County Budget and had met with Mr. Palacios from Precinct 1 and was in agreement in doing this project. He mentioned the project was also under the FEMA litigation that the city submitted. Mr. Covacevich stated the county had also submitted some drainage improvements under the ORCA Disaster Funding such as putting a pond on the east side of Las Brisas to off-set the drainage coming into the ditch.

B. Status report on the City of Weslaco's Bond Projects

Mr. Covacevich stated staff was proceeding with the plans on the north side Wastewater Plant. He mentioned they were waiting for TCEQ to approve the permit to start the work. Mr. Covacevich stated staff had also submitted the application to the Texas Water Development Board for federal stimulus funding.

Mr. Covacevich stated he met with Mr. Palacios to see if they could start the project which consisted of the north side of the street which belonged to the county and the other issue was the drainage and no response from the school district had been received regarding the acquisition of the land.

Commissioner A. Gonzalez recommended that a workshop be scheduled with the school to discuss this issue.

Mr. Covacevich stated Mr. Palacios would be taking care of this project and the road would go half way from 18<sup>th</sup> Street to 34<sup>th</sup> Street and the rest belonged to the county. He mentioned the plans had been submitted to the engineer with corrections and at which time they would solicit bids for the sewer connection to the lift station.

C. Report on the Current Tax Collections – Hidalgo County Tax Assessor Collector.

Mr. Covacevich highlighted the report from Armando Barrera, Jr., Assessor and Collector regarding the City of Weslaco Taxes collected for 2008: Tax Levy - \$8,920,936.17; Collected to Date - \$7,886,031.52; Percent 2008/2009 – 85.37%; Collected 2007/2008 – 83.87%. He added the city was ahead from last year.

Mayor de la Rosa stated the city was at 85.37% collection rate.

Mr. Covacevich highlighted the property values and Mayor de la Rosa stated that the values of the Weslaco citizens were well protected due to the growth of the city.

D. Report on the Delinquent Tax Collections – Linebarger, Goggan, Blair & Sampson, LLP.

Lilia Ledesma, with Linebarger, Goggan, Blair & Sampson, LLP stated they had mailed a total of 4,996 letters since the time they started in January to March, 2009. She reported they had absorbed the cost for the mailings. Ms. Ledesma briefly highlighted the following information: worked on six bankruptcy cases; filed 28 Lawsuits since January for a total of \$23,549.89; seven judgments - \$26,213.62; 130 pending litigations -\$149,431.09; Collections from January to March, 2009 - base taxes - \$166,598.67; Penalty and Interest - \$68,149.55 for a total of \$234,748.22 which was approximately the same amount for the same time period as last year - \$165,075.14; Adjusted Delinquent Tax Roll (DTR) Balance from January, 2008 to March, 2008 - \$1,781,429.09. She pointed out the work plan was pretty straight forward. Ms. Ledesma stated they would continue to monitor the bankruptcy accounts for the next few months and would continue the mailing programs scheduled for the remainder of the fiscal year. She added she would meet with city staff to identify a couple of properties regarding foreclosure.

Mr. Covacevich stated the city had applied for the Affordable Housing Program and there was legislation to simplify the process of obtaining delinquent property for affordable housing and reverse the properties into tax paying properties for higher values.

- E. Report on Neighborhood Stabilization Program Housing – Affordable Housing of South Texas, Inc.

Mr. Bobby Calvillo, Executive Director for Affordable Housing of South Texas stated the Neighborhood Stabilization Program was the stimulus package that was issued by the federal government in November, 2008. He mentioned the purpose of the program was to stabilize neighborhood primarily foreclosure, dilapidated and abandon structures. Mr. Calvillo stated the idea was to acquire demolish rehab and resell to qualify families. He mentioned their issue had been to acquire funds and have a contract with the County of Hidalgo between the areas of Weslaco to San Juan, Texas. Mr. Calvillo added the City Manager identified was 100% state funded through the federal government and an application had been made for \$750,000 to acquire demolish, rebuild and resell at 100% . He mentioned the idea was to place the properties back on the tax roll and qualify families for this program.

## V. MAYOR'S REPORT

- A. Discussion regarding the action taken by the Weslaco City Commission on April 21, 2009 regarding a waiver of the purchasing procedures to a particular individual without posting the subject matter to be acted on by the Weslaco City Commission. Possible action.

Mayor de la Rosa stated this item was presented at the April 21<sup>st</sup> meeting as Item Q under New Business and would be later addressed under New Business, Item J.

## VI. BOARD APPOINTMENT

- A. Library Board – Two members' terms expire on May 1<sup>st</sup> and May 6, 2009. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner S. Gonzalez to reappoint Blanca Munoz to the Library Board. Motion carried unanimously.

Motion was made by Commissioner Rivera and seconded by Commissioner A. Gonzalez to appoint Francisco Rivera to the Library Board to replace Gloria Gilvancz.

Mayor de la Rosa stated Mr. Rivera's appointment was pending upon his acceptance.

Motion carried unanimously.

## VII. NEW BUSINESS

- A. Report on a dilapidated structure as per Ordinance No. 86-24, which has been worked on and has been voluntarily demolished by owners at 108 S. Iowa Ave, described as being Lot 5, Block B, Weslaco Original Townsite, an Addition to the City of Weslaco, Hidalgo County, Texas. Owner: Anastacia Cristan C/O Antonia

Hoel. Possible action.

Mr. Saenz stated a notice had been mailed to the property owner and he had complied with the demolition permit. He pointed out the property was cleaned and no action was required.

- B. Discussion and consideration to approve Ordinance No. 2009-11 adopting The Re-codification of The City of Weslaco Code of Ordinances; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such codification shall become effective and ordaining other matters with respect to the subject matter hereof. First reading of Ordinance No. 2009-11. Possible action.

Mayor de la Rosa stated if there were any changes regarding the re-codification they could address them at the second and final reading.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to approve Ordinance No. 2009-11 on first reading. Motion carried unanimously.

- C. Discussion and consideration to purchase One (1) 2009 Ford Police Interceptor through Buy Board State Contract #281-07 in the amount of \$21,763.00, from Philpott Motors, Ltd., Nederland, Texas funding from the General/Forfeiture Fund. Possible action.

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

- D. Discussion and consideration to extend the Declaration of State of Emergency due to continuing drought conditions in Hidalgo County and the region in general and the extreme fire danger that currently exists for an additional ninety (90) days. Possible action.

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

- E. Discussion and consideration for approval to begin negotiations with the selected firm for the design, fabrication and installation of exhibit cases for the proposed Valley Nature Center. Possible action.

Martin Hagne, Executive Director for Valley Nature Center, stated the committee reviewed seven SOQ and selected three firms for an interview. He added the architects were doing the plans and needed the exhibit firms to plan for water, electricity and etc. He recommended selecting a company in order to proceed with the contract.

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

Mr. Hagne stated the firm was Clark Design Services from Nebraska.

Motion carried unanimously.

- F. Discussion and consideration to approve a budget amendment in the Unreserved Fund Balance, Budget Line Item (01-300-5300) in the amount of \$6,915.00 to the Professional Services, Budget Line Item (01-511-2100) for payment of survey work for the annexation of areas A and C of the City of Weslaco's annexation plan and approving final payment to Sigler, Winston, Greenwood & Associates Engineers. Possible action.

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

- G. Discussion and consideration to purchase Industrial Uniforms through Buy Board State Contract #264-07 from G&K Services from Corpus Christi, Texas for one (1) year, with purchases as needed, in the amount of \$14,035.00. Possible action.

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

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

Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco reported on the following items:

1. South Texas College – celebrated their 5<sup>th</sup> anniversary and has 5,000 students and was working on obtaining additional land;
2. They were working on the landscaping project on Republic Street in front of STC;
3. Façade improvements were done on the former International Fabrics Store to locate a bank on Fifth and Texas which would complement the Museum
4. Several other owners were interested in improving other buildings on Texas Blvd;
5. John Knox Village had a celebration on expansion of their buildings and has approximately 300 residents and 125 employees. This was the first phase of additional garden homes and the City Commission gave approval to provide some assistance to build north across the canal;
6. The Maverick Industrial was moving to 1905 Majestic Building and a variety of restaurants were locating in Weslaco.
7. Texas Department of Public Safety Regional Headquarters - The Development Agreement with the DPS had been executed to bring the Regional Headquarters to Weslaco. The project expenditure was estimated to be \$22,000,000.00 and would be completed in three years.
8. J. C. Penney / Lowe's Projects - The retail project was progressing and infrastructure was now being done by private contractors. The goal was to have the frontage area development ready by July.
9. EDC.Hangar - The 8,000 square foot hangar was ready and leased to Praat Aviation Academy to attract additional development to the Mid-Valley Airport and the platting and infrastructure was pending.
10. North Texas Redevelopment - The EDC was interested in the cleanup of vacant and unproductive property on North Texas. The lot located at 153 North Texas was under contract.
11. Sales Tax - The sales tax receipts for the month were 8.52% ahead of last year. Overall, sales tax receipts for Hidalgo County were positive.

- I. Request from Placida Velasquez to waive the distance measurement requirement for a Wine and Beer Retailer's Permit (Off-Premises) at 525 N. Cantu, Weslaco, Texas 78596. Possible action.

Mr. Covacevich stated a letter had been received opposing the request. He mentioned the school had no opposition as long as the policies procedures were followed from the Alcoholic Beverage Commission.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Rivera to approve the request as presented. Motion carried unanimously.

- J. Discussion and consideration to amend the City of Weslaco's Purchasing Manual not to require liability insurance for grants consultants and to ratify the waiver of liability insurance previously, voted for Jaime Garza. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to amend the City of Weslaco's Purchasing Manual not to require liability insurance for grants consultants.

Mayor de la Rosa stated he was not present when they discussed this item. He mentioned the City Manager placed the item on the agenda and asked what convenience or use would this have for the citizens of Weslaco.

Mr. Covacevich state grant consultants provided services that had little or no liability on behalf of the city. He mentioned since the city started enforcing the liability requirement as well as all other requirements he felt this would be a burden on consultants in trying to get funding for the city. He pointed out that in speaking with Mr. Vela he also indicated that there would be no liability on behalf of the city since grants were not guaranteed.

Mayor de la Rosa asked what benefit was there for the citizens where a vendor providing service would not be required to be held at the same standard as other vendors.

Mr. Vela responded if the grant would require it, it would be a condition of getting the contract out.

Motion carried as follows: FOR: Mayor Pro-Tem Cuellar, Commissioners: S. Gonzalez, A. Gonzalez and Rivera. AGAINST: Mayor de la Rosa and Commissioners: Rodriguez and Kennedy.

- K. Discussion and consideration to approve a budget amendment in the Unreserved Fund Balance, Budget Line Item (01-300-5300) in the amount of \$15,000.00 to the Professional Services, Budget Line Item (01-514-2100) to implement the traffic signal light improvement on 6<sup>th</sup> Street and Airport Drive. Possible action.

Mr. Covacevich stated the budget amendment was to connect the traffic signal at the intersection at 6<sup>th</sup> Street and Airport Drive with Business 83 and provide synchronization between the two intersections to resolve the congestion problem. He mentioned the north side traffic took about 30 to 45 minutes to get through the intersection particularly the hospital traffic. Mr. Covacevich stated TX DOT was working with the city and they had reviewed this item and

there were funds available under Professional Services in the current Traffic Safety Budget, but funds available were not sufficient.

Mayor de la Rosa stated the intersection that has more traffic is 6<sup>th</sup> Street and Bridge Street.

Commissioner S. Gonzalez stated the traffic would back up at Airport Drive all the way from Business 83 to 6<sup>th</sup> Street and would block the intersection.

Mayor de la Rosa stated the major problem was on Bridge and 6<sup>th</sup> Street.

Mr. Covacevich stated they had a design for Bridge and 8<sup>th</sup> Street and had some recommendations. He mentioned he would ask the traffic engineer to provide a cost estimate for 6<sup>th</sup> and Bridge Street.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner A. Gonzalez to approve the budget amendment as presented. Motion carried unanimously.

- L. Discussion and consideration to approve Resolution No. 2009-14 authorizing intervention in AEP Texas Central Company's and AEP Texas North Company's request for approval of an Advanced Metering System (AMS) Deployment Plan and request for AMS surcharges filed at the Public Utility Commission of Texas; approving cooperation with the Steering Committee of Cities served by AEP Texas Central Company and Steering Committee of Cities served by Texas North Company to review the application, hire legal and consulting services and to negotiate with the company and direct any necessary litigation and appeals; finding that the meeting at which this resolution is passed is open to the public as required by law; requiring notice of this resolution to legal counsel. Possible action.

Mr. Covacevich recommended approval of Resolution No. 2009-14 to allow the city to study and make a recommendation. He added this would provide a surcharge that they needed to look before they presented it to the Weslaco citizens.

Mr. Vela stated the utility companies needed to file with the governing body anytime they wished to change their rates. He added by adopting the resolution the city would be joining other cities to suspend the rate change to allow the experts to study the rate change.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Kennedy to approve Resolution No. 2009-14 as presented. Motion carried unanimously.

For the record, Resolution No. 2009-14 read as follows:

RESOLUTION NO. 2009-14

RESOLUTION OF THE CITY OF WESLACO AUTHORIZING INTERVENTION IN AEP TEXAS CENTRAL COMPANY'S AND AEP TEXAS NORTH COMPANY'S REQUEST FOR APPROVAL OF AN ADVANCED METERING SYSTEM (AMS) DEPLOYMENT PLAN AND REQUEST FOR AMS SURCHARGES FILED AT THE PUBLIC UTILITY COMMISSION OF TEXAS; APPROVING COOPERATION WITH THE STEERING

COMMITTEE OF CITIES SERVED BY AEP TEXAS CENTRAL COMPANY AND STEERING COMMITTEE OF CITIES SERVED BY TEXAS NORTH COMPANY TO REVIEW THE APPLICATION, HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION AND APPEALS; FINDING THAT THE MEETING AT WHICH THIS RESOLUTION IS PASSED IS OPEN TO THE PUBLIC AS REQUIRED BY LAW; REQUIRING NOTICE OF THIS RESOLUTION TO LEGAL COUNSEL.

WHEREAS, on or about April 20, 2009, AEP Texas Central Company and AEP Texas North Company ("AEP" or "Company"), pursuant to PURA § 39.107 and P.U.C. SUBST. R. 25.130, filed with the Public Utility Commission of Texas an application for approval of deployment plan and request for surcharge for an Advanced Metering System ("AMS") within their service areas; and

WHEREAS, the City of Weslaco is a member of the Steering Committee of Cities Served by AEP Texas Central Company ("Steering Committee") and will cooperate with other similarly situated city members and other city participants located within the AEP's service area in conducting a review of the Company's application and to hire and direct legal counsel and consultants to prepare a common response and to negotiate with the Company and direct any necessary litigation; and

WHEREAS, working with the Steering Committee to review the application filed by AEP allows members to accomplish more collectively than each city could do acting alone; and

WHEREAS, the Steering Committee has a twenty year history of participation in Public Utility Commission dockets and projects, as well as court proceedings, affecting transmission and distribution utility rates in AEP's service area to protect the interests of municipalities and electric customers residing within municipal boundaries; and

WHEREAS, PURA § 33.023 provides that costs incurred by the Steering Committee in ratemaking activities are to be reimbursed by the regulated utility.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

1. That the City will cooperate with the Steering Committee of Cities Served by AEP Texas Central Company in PUC Docket No. 36928 to coordinate efforts to protect the interests of the City and protect the interests of AEP's end-use customers residing and conducting business within municipal limits.

2. Subject to the right to terminate employment at any time, the City hereby authorizes the hiring of Thomas Brocato and Geoffrey Gay of the law firm of Lloyd Gosselink Rochelle and Townsend, P.C. and consultants to negotiate with the Company, make recommendation regarding reasonable rates and to direct any necessary administrative proceedings or court litigation associated with an appeal of the rate case filed with the Public Utility Commission of Texas.

3. That the Steering Committee's reasonable rate case expenses shall be reimbursed by AEP.

4. That it is hereby officially found and determined that the meeting at which this Resolution is passed is open to the public as required by law and the public notice of the time, place, and purpose of said meeting was given as required.

5. A copy of this Resolution shall be sent to Thomas Brocato, General Counsel to the Steering Committee of Cities Served by AEP Texas Central Company, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

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

- M. Discussion and consideration to establish the minimum standards for installation of irrigation systems within the corporate limits of the city and the extraterritorial jurisdiction; and providing for a criminal penalty, Class C misdemeanor not to exceed two thousand dollars (\$2,000.00) for violations. Possible action.

Mr. Covacevich stated the State required that the city regulate irrigation systems installers and were asking approval from the City Commission to allow Mr. Vela to draft an ordinance to meet the state requirements.

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

- N. Discussion and consideration of the privatization of the solid waste collection for the City of Weslaco. Possible action.

Mr. Covacevich stated they had discussed the item at a previous meeting and brought some numbers to the City Commission. He mentioned they had been having problems with the sanitation collection services. Mr. Covacevich stated on Page 120 – 121 of the agenda he had provided some figures on the revenues that the city had collected from garbage and brush services. He mentioned the sanitation department consisted of waste collection, waste disposal, brush collection, landfill, administration and financing and other expenses which include debt service with a total operating expenses and net surplus. Mr. Covacevich highlighted the cost comparison for privatizing the residential and commercial personnel services.

Mayor de la Rosa asked if Mr. Covacevich was assuming that in Fiscal Year 2010 the city would be privatizing the sanitation services.

Discussion was held and Mr. Covacevich stated this was a scenario. It was the consensus of the City Commission to hold a workshop to discuss in full how this would affect the city and would like to hear from the employees.

- O. Request from Eduardo Miranda, Guitarras del Valle (Matthew Hinsley) to support two (2) concerts and underwrite Mr. Hinsley's concert in the amount of \$1,000.00 (funding from line item Comm.-Develop Promotion) for the Festival de Guitarra Summer 2009 from June 29<sup>th</sup> through July 10, 2009 and the concerts will be from July 7<sup>th</sup> through July 10, 2009 to be held at the Mayor Gene A. Braught Auditorium. Possible action.

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

## **VIII. EXECUTIVE SESSION**

At 7:16 p.m., Tuesday, May 5, 2008, Mayor de la Rosa announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 7:42 p.m., Tuesday, May 5, 2008, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

- A. Discussion with City Attorney regarding CAUSE NO. 13-06-00697-CV (Tr.Ct.No. CL-05-2678-A) HOWARD ADAMS D/B/A/ SOUTH TEXAS WASTEWATER, Appellant, v. CITY OF WESLACO AND LIQUID ENVIRONMENTAL SOLUTIONS OF TEXAS, L.P., Appellees, DISTRICT COURT, HIDALGO COUNTY, TEXAS COURT OF APPEALS 13<sup>TH</sup> DISTRICT OF TEXAS , 430<sup>TH</sup> DISTRICT COURT OF TEXAS, CORPUS CHRISTI – EDINBURG. Possible action of what is discussed in executive session.

Mr. Vela stated no action was required.

All of the City Commission thanked Commissioner S. Gonzalez for the years that she served in the City Commission and the great job she did.

**CITY OF WESLACO**

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**MAYOR**, Buddy de la Rosa

**ATTEST:**

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**ASST. CITY SECRETARY**, Janie V. Balli

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

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**COMMISSIONER**, Soyla R. Gonzalez

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**COMMISSIONER**, Rene Rodríguez, Jr.

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**COMMISSIONER**, Adrian Gonzalez

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**COMMISSIONER**, Lupe V. Rivera