



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 4, 2012**

On this 4th day of December 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	David R. Fox
Commissioner	Olga M. Noriega
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Gloria Givilancz, Interim Finance Director; David Salinas, Public Utilities Director; Interim Police Chief Michael Kelly; Fire Chief Jimmy Cuellar; 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, November 30, 2012.
- B. Invocation.
Pastor Raja Masilanony of Seventh Day Adventist Church delivered the invocation.
- C. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- D. Roll Call.
Molly Vallejo, Secretary, called the roll, noting perfect attendance.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:
 - 1) Special Meeting of November 19, 2012 (Requested by City Secretary's Office.) Attachment.

- B. Approval of a contract agreement with Texas A&M University-Kingsville (TAMUK) to reimburse the City of Weslaco in the amount of \$5,000.00 to help construct, promote, and implement low impact development in the Lower Rio Grande Valley by initiating the Lower Rio Grande Valley (LRGV) Best Management Practices (BMP) Inventory Program Map and authorize the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment.

- C. Approval of a Memorandum of Understanding (MOU) with the United States Border Patrol Affiliation for Emergency Medical Services training at no cost to the City and authorize the Mayor to execute any related documents. (Requested by Fire Department.) Attachment.

- D. Approval of a request from Valley Metro to hold a 5K Run at Harlon Block Sports Complex on Saturday, December 15, 2012 for Toys for Transit “Staff The Bus” to collect toys for Low and Moderate Income Families (LMIF). Possible Action. (Requested by Parks & Recreation Department.) Attachment.

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

III. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2012-70 confirming the appointment by Mayor Miguel D. Wise of one member to the City of Weslaco Housing Authority Board to an expired term as authorized by §302.031 of the Texas Local Government Code. Possible action. (Requested by City Secretary’s Office.) Attachments.

There was no action on this item.

- B. Discussion and consideration to approve Resolution 2012-71 appointing a member to an expired term on the Board of Adjustments and Appeals - Zoning Ordinance. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

There was no action on this item.

IV. OLD BUSINESS

- A. Discussion and consideration to approve Ordinance 2012-25 pertaining to the City of Weslaco Texas Municipal Retirement System (TMRS), authorizing and allowing “Updated Service Credits” for services performed by qualifying members of such system who presently are members of the City of Weslaco, providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City, and establishing an effective date of January 1, 2013 for such actions, and authorize the Mayor to execute any related documents. First Reading of Ordinance

- (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)	David R. Fox, 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 – K, 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 7, 2011.

RECONSIDERED, PASSED AND APPROVED on December 4, 2012 to expand administrative authority for the Finance Director.

/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 approve Resolution 2012-75 amending Resolution 2011-38 authorizing the Mayor and City Commissioners to exercise certain powers identified with First National Bank, including opening accounts, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize the Mayor and City Commissioners to execute any related documents. Possible action. (Requested by Finance Department.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2012-75

- (I) Elizabeth M. Walker, City Secretary _____
- (J) Bret Mann, Finance Director _____
- (K) 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 – K, 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 21, 2011.

RECONSIDERED, PASSED AND APPROVED on December 4, 2012 to expand administrative authority for the Finance Director.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:
/s/ Ramon Vela, CITY ATTORNEY

- C. Discussion and consideration to approve budget amendments from various funds and departments for Fiscal Year 2011-12. Possible action. (Requested by Finance Department.) Attachment.

The City Manager stated these were expenditures from last fiscal year that need to be reconciled for the budget; staff recommends approved.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented.

In response to a question from Commissioner Noriega, the City Manager explained that throughout the year departments may make intradepartmental amendments to move funds from one line item to another; however, in order to move money across departments City Commission approval is required. Presently the City does not have a standard policy when it would require Commission approval, but the City is working with Standard & Poor's to address that.

The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to authorize an expenditure of Police Department Federal Equitable Sharing funds in an amount not to exceed \$16,000.00 to pay one-half the purchase price for Ground Penetrating Radar to support operations and investigations by law enforcement as well as other departments, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Police Department.) Attachment.

The City Manager stated the Police, Parks & Recreation and Public Utilities Departments are coordinating to purchase this piece of equipment, which will help to identify utilities lines; staff recommends approval.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to authorize an expenditure of Public Utility Department (PUD) funds in an amount not to exceed \$16,000.00 to pay one-half the purchase price for Ground Penetrating Radar to support operations and investigations by law enforcement as well as other departments and authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to authorize an expenditure in an amount not to exceed \$24,906.00 for the purchase of 150 Badger Meters from a sole source vendor Badger

Meter, Inc. and authorize a budget amendment as appropriate. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated the City is in the process of replacing approximately 10,000 utility meters and averages 500 replacements a year; staff recommends approval.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to authorize a Memorandum of Agreement with Cameron County Department of Health and Human Services Hospital Preparedness Program (County-HPP) for six (6) XTL 1500 mobile radios for the emergency medical services units, at no cost to the City and authorize the Mayor to execute any related documents. Possible action. (Requested by Fire Department.) Attachment.

The City Manager stated the Fire/EMS Department is working with Cameron County to deploy the radios in ambulances so that they can communicate with the hospitals; staff recommends approval.

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

- H. Discussion and consideration of Resolution 2012-74 relating to The Economic Development Corporation of Weslaco Sales Tax Revenue Refunding Bonds, Taxable Series 2012, approving the resolution of The Economic Development Corporation of Weslaco authorizing the issuance of such Bonds; and resolving other matters incident and related to the issuance of such Bonds, and authorize the Mayor to execute any related documents. Possible action. (Requested by The Economic Development Corporation.) Attachment.

Mr. Hernan Gonzalez stated this is old debt with payments of 5% and 6% and the Economic Development Corporations has been working with First Southwest to refinance \$2.7 million at 3.4% with a savings of \$250,000.00 over the next 20 years.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- I. Discussion and consideration to approve Ordinance 2012-27 authorizing the issuance of City of Weslaco, Texas Limited Tax Refunding Bonds, Series 2012. A Purchasing Contract; a paying A Paying/Agent Registrar Agreement; An Escrow Deposit Letter; and approving all other matters related thereto. Possible action. (Requested by Finance Department.) Attachment.

The City Manager stated the City has been working with Chris Vela of First Southwest to refinance the bonds, who stated the City would save \$1.6 million by this

proposed action.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- J. Discussion and consideration to select AGA Associates to design the Boys and Girls Recreation Center to be constructed on the Weslaco Independent School District property and authorize the Mayor to execute a Professional Service Agreement and any other documents. Possible action. (Requested by Parks & Recreation Department.) Attachment.

The City Manager stated the City received \$500,000.00 from the Texas Parks and Wildlife and has been working closely with the Weslaco Independent School District to identify property for the Boys and Girls Club facility. By this proposed action the City hires architect Alcocer Garcia & Associates at a negotiated a fee of 6%.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented.

Commissioner Noriega stated that the first proposed recreation center was 20,000 square feet and now is 12,000 square feet and is concerned whether Texas Parks and Wildlife will allow changes to the site and the size of the building. The City Manager stated that those changes previously were approved and the award amount is unchanged.

Commissioner Noriega asked when the original Boys and Girls Club sold how much was received and of that how much would be used towards this project. The City Attorney stated that the building sold for \$725,000.00 but the Commission at the time used some of the proceeds to pay off two loans and some money later was drawn down by the Boys & Girls Club. Ms. Gloria Givilancz stated that currently there is \$387,000.00 in proceeds from the sale. The City Attorney stated that those funds would be applied towards the project and the Boys and Girls Club of McAllen is working toward obtaining the remaining funds from the private sector.

Commissioner Fox asked if the City was aware of the property value of the site. The City Attorney replied that he knows a survey has been done and the property is owned by the school district. A fifty (50) year lease agreement is being drawn up between the City and the Weslaco ISD, but he is unsure if an appraisal has been assigned.

Commissioner Fox asked if there was a timeline when the City would be able to secure matching funds. Mr. Canales stated that currently the deadline is July 2013 and a potential source may be the Community Development Block Grant program.

Mayor Wise asked why the City did not try to procure the property as opposed to leasing. The City Attorney stated that the City just did not have the time at this point to purchase the property, but it is something that could be done after the project is completed.

The motion carried unanimously; Mayor Wise was present, but not voting.

- K. Discussion and consideration to initiate the procurement process for a general contractor to construct the Boys and Girls Recreation Center. Possible action. (Requested by Parks & Recreation Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented.

Commissioner Noriega asked if this item was to begin the construction process for the recreation center. The City Manager stated the City is looking to hire an architect and general contractor at the same time so they can work hand in hand. This helps to reduce the cost and the time it takes to complete the project.

The motion carried unanimously; Mayor Wise was present, but not voting.

VI. REPORTS

- A. Report by City Manager on Departmental Update, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.

The City Manager stated that contract negotiations have concluded with the Weslaco Municipal Police Union and thanked Michael Zellers and Robert Lopez for their hard work.

- B. Report on Standard & Poor's upgrade of Weslaco General Obligation Bond Rating.

The City Manager stated the City's bond rating has gone down consecutively since 2008 by Standard & Poor's and Moody's, since that time the City has taken corrective action.

Mr. Chris Vela from First Southwest reported that it was not until January 2012 that the City received an upgrade from negative to stable, but maintained the same rating. Due to the progress that the City has made the rating changed from +BBB to a -A.

Mr. Vela reported that the rating agencies examine several categories but the most important is the Government/Management. By moving into the A category the City's insurance cost reduced from 90 points to 55, which costs less in premiums. Mr. Vela stated the upgrade reflects the assessment of the City's financial performance and adequate reserves and believes if the City continues to follow the plan it will advance to the next level.

Mr. Vela stated that First Southwest originally projected \$100,195,000.00 in gross savings; however the amount which actually achieved is \$100,638,835.00. This will result in lowering the debt service about \$280,000.00 from the years 14 through 19.

Commissioner Noriega asked if now would be a good time for the City to start hiring essential personnel. City Manager stated that he would begin to work on filling those positions next month.

VII. PUBLIC COMMENTS

There were no comments received.

VIII. EXECUTIVE SESSION

No Executive Session convened.

IX. ADJOURNMENT

With no other business before the Commission, at 6:50 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to adjourn the December 4, 2012 regular 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, David R. Fox

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez