



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, FEBRUARY 5, 2013**

On this 5th day of February 2013 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; Bret Mann, Finance Director; David Salinas, Public Utilities Director; Police Chief Michael Kelly; Fire Chief Santiago 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, February 1, 2012.
- B. Mayoral Proclamations and Recognitions.
Mayor Wise issued proclamations prior to the start of the meeting.
- C. Invocation.
Reverend Mario Perez from the Mid Valley Assembly of God Church delivered the invocation.
- D. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- E. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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;
 - 2) Regular Meeting of November 27, 2012;
 (Requested by City Secretary's Office.) Attachment.

- B. Approval of a lease agreement with the Weslaco Softball/Baseball League for the use of Softball Fields 1, 2 and 3 at the Weslaco City Park including the concession stand as described in Exhibit "A" for a term of six (6) months beginning February 1, 2013 and ending July 31, 2013 and authorize the Mayor to execute the lease agreement. (Requested by Parks & Recreation Department.) Attachment.

- C. Approval of a lease agreement with the Mid Valley Youth Soccer League for the use of the Soccer Fields at the Harlon Block Sports Complex Park as described in Exhibit "A" for a term of twelve (12) months beginning January 1, 2013 and ending December 31, 2013 and authorize the Mayor to execute the lease agreement. (Requested by Parks & Recreation Department.) Attachment.

- D. Approval of a lease agreement with the Don-Wes-Mer United Soccer Club for the use of the Soccer Fields at the Weslaco City Park as described in Exhibit "A" for a term of ten (10) months beginning February 1, 2013 and ending November 30, 2013 and authorize the Mayor to execute the lease agreement. (Requested by Parks & Recreation Department.) Attachment.

- E. Approval of a one (1) year extension to the existing lease agreement with Hidalgo County for the use of the City of Weslaco building located at 310 N. Kansas Avenue for the Hidalgo County Head Start Program for fiscal year 2013-2014 with the same terms and conditions and authorize the Mayor to execute the extension documents. (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. A. OLD BUSINESS

Discussion and consideration to approve a professional services agreement for a Rate Study of the Public Utilities of the City of Weslaco to include the water, waste water and solid waste and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item January 15, 2013; Requested by Public Utilities Department.) Attachment.

There was no action on this item.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 2013-14 and 2013-16 to fill the expired term of two members to the Weslaco Health Facilities Development Corporation. Possible action. (There was no action on this item January 15, 2013; Requested by Finance Department.) Attachment.

The City Manager stated that one of the vacancies is a position that is held by Maria Hernandez who no longer resides in Weslaco; the second vacant position is the one he holds and feels that because of the upcoming litigation it is best that he resigns. The Mayor asked if the City Manager had been appointed by Ordinance; the City Attorney stated that the Commission appointed the previous City Manager at the time. The City Manager stated the City does not have any current applications on file.

There was no action on this item.

- B. Discussion and consideration to approve Resolutions 2013-17, 2013-18, 2013-19 and 2013-20 to appoint inaugural members to the Boys and Girls Club Weslaco Steering Committee. Possible action. (Requested by Parks and Recreation Department.) Attachment.

The City Manager stated that the City has been working with the McAllen Boys & Girls Club, which recommends a steering committee to assist in raising funds composed of five members from the City, five members from the Weslaco Independent School District, and five members at-large. The City Manager stated the City does not have any current applications on file and added David Arce will be working with the McAllen Boys & Girls Club to develop the committee and identify potential applicants.

Mary Lopez, a representative of the Boys & Girls Club, stated they have screened six (6) of the at-large applicants, who will serve a term of three to five years and one of the six will be appointed as the member representing Weslaco Independent School District.

There was no action on this item.

- C. Discussion and consideration to nominate a member of the Weslaco community, who has made significant civic contributions and achievements, to the Rio Grande Valley Walk of Fame as part of BorderFest 2013 and authorize the Weslaco City Commission to sign the nomination form. Possible action. (Requested by City Manager.) Attachment.

There was no action on this item.

V. NEW BUSINESS

- A. Discussion and consideration to approve Resolution 2013-21 supporting the consolidation of the University of Texas-Pan American and the University of Texas at Brownsville into a single institution. Possible action. (Requested by City Manager.) Attachment.

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

City Manager stated that this will be the establishment of a new university for the region and will be part of the University of Texas. The state has been pushing toward the creation of more Tier I Universities, which are the major educational institutions. This will amount in a \$6.0 million in savings between the two schools.

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

For the record, the Resolution reads as follows:

RESOLUTION 2013-21

STATE OF TEXAS	§ A RESOLUTION SUPPORTING THE
COUNTY OF HIDALGO	§ CONSOLIDATION OF THE UNIVERSITY OF TEXAS-
CITY OF WESLACO	§ PAN AMERICAN AND THE UNIVERSITY OF TEXAS
	§ AT BROWNSVILLE INTO A SINGLE INSTITUTION

WHEREAS, The University of Texas System Board of Regents has unanimously endorsed the creation of a new institution to serve the Lower Rio Grande Valley through the consolidation of the University of Texas-Pan American, the University of Texas at Brownsville, and a transformed Regional Academic Health Center; and

WHEREAS, Envisioned as an emerging research university with Tier One potential, the combined university, with campuses and facilities across the Valley would incorporate a long-anticipated independent, comprehensive South Texas medical school; greatly expanding educational opportunities, health care access and economic development throughout the region; and

WHEREAS, The institution would incorporate many existing facilities, including the University of Texas-Pan American and the University of Texas at Brownsville campuses and would build on prior investments by the Texas Legislature and the University of Texas System in medical education in Cameron, Hidalgo, Starr and Willacy Counties; it would realize some \$6 million in savings annually by eliminating duplicative administrative functions, and at the same time bring in millions of dollars in public and private investments; equally important as the widespread economic benefits that would result from the new institution is the capacity for a medical school to address the region's critical need for health care; and

WHEREAS, With a projected enrollment of almost 28,000 students, the new university would rank as one of the two largest Hispanic-serving institutions in the nation; it would be exceptionally well-positioned to capitalize on the area's bicultural heritage, rapid population growth, and strategic border location, strengthening the state's ability to compete in an increasingly global economy; and

WHEREAS, The establishment of this emerging research university and school of medicine in the Lower Rio Grande Valley will be an engine of prosperity and benefit all Texans now and in the years to come; in order for the proposed merger and related plans to take final effect and for the institution to gain access to the Permanent University Fund, the Texas Legislature must take action, and measure are being introduced to complete the approval process.

NOW, THEREFORE, BE IT RESOLVED THAT legislation to consolidate the facilities and programs of the University of Texas-Pan American, the University of Texas-Brownsville and the Regional Academic Health Center into a single institution within The University of Texas System be enacted and that all those involved with the approval of the plan be commended for taking action.

PASSED AND APPROVED on this 5th day of February, 2013.

/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 SmartCom as the best qualified, most advantageous bidder for internet services within the 2013 Schools and Libraries Program of the Universal Service Fund E-Rate, which makes discounts available to eligible libraries for telecommunication services, internet access, and internal connections and authorize the Mayor to execute the E-Rate proposal acceptance and agreement. Possible action. (Requested by Library Department.) Attachment.

The City Manager stated that this would be a renewal of the existing contract with E-Rate and SmartCom for internet services; staff recommends approval

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

- C. Discussion and consideration to approve Insight Public Sector, Inc. as the best qualified, most advantageous bidder for basic maintenance of internal computing connections within the 2013 Schools and Libraries Program of the Universal Service Fund (ERate), which makes discounts available to eligible libraries for telecommunication services, internet access, and internal connections and authorize the Mayor to execute the contract acceptance. Possible action. (Requested by Library Department.) Attachment.

The City Manager stated that this would be a renewal of the existing contract for basic maintenance by Insight Public Sector, Inc.

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.

- D. Discussion and consideration to approve Change Order No. 1 to the Construction-Manager-at-Risk contract with JF Utility Trenching for Lift Station No. 36 to extend the contract completion time by 120 days, due to delays in delivery of equipment and materials with no change to the contract amount as a result of this modification and authorize the Mayor to execute Change Order No. 1. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manger explained there had been a delay in the delivery of equipment which is expected to arrive within the month.

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

- E. Discussion and consideration to approve the purchase of 1,257 Badger Orion Meters from a sole source vendor, Badger Meter Inc., for a total not to exceed \$215,690.00 and authorize the Mayor to execute any related documents as authorized by §252.022 (a)(7) of the Texas Local Government Code. Possible action. (Requested by Public Utilities Department.)

The City Manager stated this is the continued effort to modernize the utility services by increasing the replacement of the current meters; staff recommends approval.

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

Commissioner Tafolla asked how many more meters were needed to replace the entire system; Mr. Gilbert Garcia replied that the City had 11,000 accounts and would need roughly 6,000 more meters to replace Zone 1. Commissioner Tafolla asked how the department felt about the meters; Mr. Garcia stated that the meters are working well and are streamlining the system, however the cost of the meters have increased \$5.00/each in the past six months. The department has begun testing other products to see which one is more compatible. Mr. Bret Mann stated it would cost the City \$1.26 million to complete the project at about \$171.00 each. Commissioner Noriega asked if the City could get a locked in price; Mr. Garcia stated that he would work with the vendor to see if that could be done.

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

- F. Discussion and consideration to approve Amendment No. 22 to the existing Operations Maintenance and Management Services Agreement between the City of Weslaco and Operations Management International, Inc. (OMI) by increasing the base fee 1.7% plus \$112,000.00 for repairs, sludge removal and fuel cost, for a total increase of \$148,517.00 and authorize the Mayor to execute any related documents and budget amendment as required. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated that the City has been working closely with OMI and its staff on this renewal as done on a yearly basis; the increase in fees is rather small considering the size of the contract. The City Manager stated his only concern was the removal of the performance evaluation, which is being requested by OMI in exchange for the lower fee increase.

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

Mayor Wise asked if this would result in an increase of the utility rates; the City Manager clarified that when the increase of rates was approved the City already had factored in the operation cost for OMI.

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

- G. Discussion and consideration to authorize a professional services engineering agreement with Terracon Consulting for the construction material observation and testing services for the City of Weslaco Water Treatment Plant expansion and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated this is part of the services needed to continue the expansion of the Water Treatment Plant. Mr. Jorge Flores from Terracon stated that they would be providing the construction material observation and testing services of the plant as well as the certified engineer technician on an as needed basis during the construction of the

expansion.

Commission Noriega asked what the cost was for the contract. City Manager stated that they had negotiated a rate of less than \$90,000.00.

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

Commissioner Noriega asked if the City received any other bids even though this is a professional services agreement and did not require bids. The City Manager stated that the City did not go out for bids because they wanted to obtain the best negotiated rate in order to move forward on this project as quickly as possible.

Mayor Pro-Tem Cuellar asked if Terracon was covered under the Construction-Manager-At-Risk process and if this item had to come before Commission for approval. The City Manager stated that they had also negotiated with Raba- Kistner and had brought this item before the Commission so the community would be aware of who was being selected.

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

- H. Discussion and consideration to approve Resolution 2013-22 approving the agreement between Texas Department of Transportation and the City of Weslaco for the maintenance, control, supervision, and regulation of certain state highways and/or portion of state highways in the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment.

The City Manager stated that this was a renewal of the existing contract with the Texas Department of Transportation (TxDOT) for the maintenance of the Expressway, Business 83, FM 1015 and FM 88.

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. 2013-22

A RESOLUTION APPROVING THE AGREEMENT DATED _____, BETWEEN THE STATE OF TEXAS AND THE CITY OF _____ Weslaco _____, FOR THE MAINTENANCE, CONTROL, SUPERVISION AND REGULATION OF CERTAIN STATE HIGHWAYS AND/OR PORTIONS OF STATE HIGHWAYS IN THE CITY OF _____ Weslaco _____; AND PROVIDING FOR THE EXECUTION OF SAID AGREEMENT; AND DECLARING AN EMERGENCY.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF _____ Weslaco _____;

SECTION 1. That the certain agreement dated _____, between the State of Texas and the City of _____ Weslaco _____ for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the City of _____ Weslaco _____ be and the same is, hereby approved; and that _____ is hereby authorized to execute said agreement on behalf of the City of _____ Weslaco _____ and to transmit the same to the State of Texas for appropriate action.

PASSED: _____

APPROVED: _____

Mayor

ATTEST:

Secretary

City of _____
Clark

APPROVED AS TO FORM:

City Attorney

- I. Discussion and consideration to enter into an agreement with the Weslaco Health Facilities Development Corporation for the reimbursement of all legal fees paid by the City of Weslaco in Cause No. C-081-13 B *Weslaco Health Development Facilities Corporation v. Knapp Medical Center, et.al.* Possible action. (Requested by City Manager.)

The City Manager stated that the Weslaco Health Facilities Development Corporation is in the process of litigating Knapp Medical Center for the full disclosure of the alleged sale of the hospital and how it will affect the bonds. The statute allows the City to create the corporation also prohibits it granting any municipal credits to the corporation. Legal counsel advised that the City should execute a reimbursement agreement so that any monies paid out by the City for legal fees is paid back to the City. The Corporation held a meeting last week and approved the same agreement that is presented.

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

Mayor Wise inquired if this process would have worked to fund the Hospital Authority. The City Attorney stated it would not because the Authority was a body politic.

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

VI. CITY MANAGER REPORTS

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

The City Manager announced that Veronica Ramirez had been appointed as the new Human Resources Director. The City Manager introduced David Arce as the Director of Parks & Recreation and Carlos Valdez as his new Executive Assistant.

The City Manager stated that the Mid Valley Regional Communication Corporation, an effort by Weslaco, Donna and Mercedes to consolidate the dispatch for Police and Fire/EMS. The Corporation has identified a few potential sites including the City's Public Facilities Building.

The City Manager announced that the City Secretary's Office has modernized by purchasing a digital recorder. The Police Department has completed an audit by the Department of Justice and this is the first time that the Police have received substantial compliance.

B. Litigation Status Report.

There was no report on this item.

C. Proposed Improvements to City Park.

There was no report on this item.

D. City of Weslaco Mobile Website. Attachment.

The City Manager stated that the IT Department launched the City's Mobile Website. Mr. Rey Garcia reported that through the mobile website utility bills and traffic fines could now be paid online. Commission agendas, minutes and social medias can now all be accessed through smart phones.

VII. PUBLIC COMMENTS

Mr. Samuel Cavazos stated his concerns have still not been addressed. Mr. Cavazos has not received any phone calls or replies. This past month he has continued to call the City and just this evening received a citizen complaint form from the City Attorney. Mr. Cavazos expressed his belief that the City is more concerned for visitors and business

than its citizens, after accessing the City's website he was unable to locate the Mission Statement, but was able to locate a letter from the Mayor. Mr. Cavazos was upset that the Mayor's letter was geared more toward visitors and businesses rather than the citizens and asked that the Commission treat its citizens in the same manner that it does its visitors.

VIII. EXECUTIVE SESSION

At 6:22 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:02 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Consult with City Attorney regarding Cause No. C-0747-12- E, Knapp Medical Center v. Weslaco Hospital Authority, pending in the 139th Judicial District Court of Hidalgo County, Texas as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- B. Pending Litigation - Consult with City Attorney regarding Cause No. C-081-13 B, Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al., as authorized by §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to authorize the retention of Shelton and Valadez to file an intervention in the Weslaco Health Facilities Development Corporation lawsuit. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Pending Litigation – Discussion with City Attorney regarding Civil Action No. 7:12-CV-303, Bernard Rodriguez, v. The City of Weslaco, as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- D. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City's rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the IAFF-WFFA Local 3207 as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

X. ADJOURNMENT

With no other business before the Commission, at 7:04 p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the February 5, 2013 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

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