



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 2, 2013**

On this 2nd day of July 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	Gerardo “Jerry” Tafolla
Commissioner	Lupe Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth M. Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Bret Mann, Finance Director; Veronica Ramirez, Human Resources Director; Jeff Underwood, Planning & Code Enforcement Director; David Arce, Parks & Recreation Director; David Salinas, Public Utilities Director; Police Chief Michael Kelly; Fire Chief Santiago Cuellar; Arnold Becho, Library Director; George Garrett, Airport Director; Mardoqueo Hinojosa, City Engineer; and several other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Friday, June 28, 2013.
- B. Invocation.
Dr. Akram Rana, RGV Islamic Center, delivered the invocation.
- C. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance; Mayor Pro-Tem recited the Texas flag.
- D. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting Commissioner Noriega as absent.

II. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the Regular Meeting of June 18, 2013; (Requested by City Secretary's Office.) Attachment.
- B. Approval on Second and Final Reading of Ordinance 2013-07 revising Ordinance 2011-30, the Master Fee Schedule, to identify charges for late, stolen, or damaged tablet computers checked out from the Library consistent with the Library Computer Acceptable Use Policy, Tablet Liability and Appropriate Use Agreement, and Tablet Checkout Procedures as follows: \$1.00 per hour kept over the checkout period with a maximum of \$10.00, \$25.00 for damages, and \$300.00 for a lost or stolen tablet. (First Reading held June 18, 2013; Requested by Library Department). Attachment.
- C. Approval of the renewal of the Lease Agreement with the Weslaco Softball/Baseball League for the use of the Softball/Baseball Fields 1, 2 and 3 and concession stand at the Weslaco City Park, for a term of 5 months August 1, 2013-December 31, 2013 and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.

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

Commissioner Tafolla, seconded by Commissioner Rivera, moved to take item IV. F. from its posted sequence for immediate consideration. The motion carried unanimously; Mayor Wise was present, but not voting.

IV. **REPORTS**

- F. Legislative Update by Caballero Governmental Affairs. Attachment.

Elvia Caballero reported the most pressing issues for the last state legislative session were transportation and criminal justice. A \$196.9 billion budget was approved, which is a 3.7% increase over last year; however there were no additional funds allocated for parks.

Funds to support the state water plan are proposed as a Constitutional Amendment in November; if passed by the voters, the City may submit projects to the regional water authority which then will submit them to the Texas Water Development Board.

III. **NEW BUSINESS**

- A. Discussion and consideration on behalf of Martha Villarreal to approve the Final Plat of M. Villarreal Subdivision, being a 1.078 acre tract of land out of Lot 13, Campucuas Addition, Hidalgo County, Texas, to deny the variance request regarding fire hydrant installation, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated that the proposed final plat is for a one lot subdivision; Planning & Zoning Commission and staff recommend approval with denial of the variance.

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.

- B. Discussion and consideration to authorize Buy Board Contract #346-10 to purchase Landscape Structure equipment for Pecan Grove Park and rubber mulch for select playgrounds at Isaac Rodriguez Park, Gibson Park, City Park, and Harlon Block Park, from the best qualified, most advantageous vendor in an amount not to exceed \$100,000.00. Possible action. (Requested by Parks and Recreation Department.) Attachment.

The City Manager stated the Commission previously approved the \$100,000.00 allocation for park improvements; this proposed action authorizes the purchase. Staff recommends approval.

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

- C. Discussion and consideration to approve the contract with MuniServices, LLC to perform Local Hotel/Motel Occupancy Tax Program Audit and Administration Services for the City of Weslaco, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment.

The City Manager stated this may audit the twelve local hotels in their administration of the hotel occupancy tax; the local hotels generate \$300,000.00 a year. The Texas Municipal League proposed this company. Mayor Wise stated legislation allows a four year statute of limitations to capture funds.

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

- D. Discussion and consideration to approve the contract with MuniServices, LLC to perform Sales Tax Compliance Review for the City of Weslaco, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment.

The City Manager stated that this is a program similar to the aforementioned for sales tax receipts; 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 approve Resolution 2013-60 authorizing publication of notice of intention to issue certificates of obligation. Possible Action. (Requested by

Finance Department.)

Anne Burger, representing First Southwest, reported the taxable assessed valuation increased 4.4%, the tax reported debt decreased 24% as there has been a decrease in expenditures. Standard & Poor's upgraded the City's rating from a BBB+ to an A- in November 2012. Ms. Burger stated that revenues are as follows: 38% in sales tax, 33% in ad valorem, and 12% in general charges. The City's expenditures are 60% on public safety and 30% on general government.

Based on an examination of the debt service, the Commission has the opportunity of issuing an additional \$6.75 million in debt and maintain its current tax rate. This proposed resolution would allow the City to issue a notice of intent to issue corresponding certificates of obligation to close around September 19.

Mayor Pro-Tem Cuellar stated entering Fiscal Year 2013 the City had \$8.0 million bond capacity which was committed to the construction of the new Water Treatment Plant and this would be additional bonding capacity.

Dan Martinez, representing Winstead bond counsel, stated the amount would not exceed \$8.5 million and presented a list of projects they hoped to undertake. The City Manager stated he would like the resolution to reference wastewater not sewer and noted that the authority had been worded broadly to include water and wastewater projects as well as street, municipal facilities and parks repairs.

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

IV. REPORTS

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

The City Manager reported that Captain Billy Maupin of the Fire Department will be retiring. The Public Library has been progressing very well its summer reading program and has begun the rain harvesting projects. The Parks & Recreation Department will be hosting a regional pony league tournament. The Police Department has seized 1500 pounds of narcotics and has sent them for destruction.

In response to Mayor Wise, Chief Kelley stated the sexual offender website is controlled solely by the Department of Public Safety.

The City Manager also reported the IT department in finishing up the fiber networking for the City, which link all the municipal facilities. The City had a meeting with Knapp Medical Center hoping to establish some medical residency programs.

Commissioner Fox gave special thanks to David Salinas and staff for their quick work at the Tower Theatre when the air conditioning units went down this past weekend.

B. Report on Sponsored Projects. Attachment.

The City Manager referenced the report as enclosed.

C. Report on Litigation Update.

The City Manager indicated an update is available.

D. Report on the Thoroughfare Plan. Attachment.

The City Manager referenced the report as enclosed.

E. Report on Bond Rating and Financial Status by First Southwest.

The City Manager referenced the report as provided in discussion on item III. E.

V. **PUBLIC COMMENTS**

Christina Contreras stated that she did not receive notification of the sexual offender living next door to her residence.

VI. **EXECUTIVE SESSION**

At 6:36 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 6:43 p.m., the Mayor announced the City Commission completed its Executive Session and reconvened the regular meeting as open to the public.

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

- A. Pending Litigation - Discussion with assigned defense counsel Anthony B James regarding a settlement offer in C-2201-11-I *Pascual Hernandez and Maria Luisa Hernandez v. City of Weslaco* as authorized by Section 551.071 of the Texas Government Code.

There was no action on this item.

VIII. **ADJOURNMENT**

With no other business before the Commission, at 6:44 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to adjourn the July 2, 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

(absent)

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe Rivera

COMMISSIONER, Joe A. Martinez