



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 16, 2013**

On this 16th day of July 2013 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in a Regular Meeting 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 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, July 12, 2013.
- B. Invocation.
Father Mario Castro from San Martin de Porres Catholic Church, delivered the invocation.
- C. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance; Mayor Pro-Tem recited the Texas flag.
- D. Mayoral Recognitions and Presentations.
Mayor Wise recognized the retirement of Fire Department Shift Captain Billy Maupin.
- E. Roll Call.
Elizabeth Walker, City 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requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 June 27, 2013;
 - 2) Regular Meeting of July 2, 2013.(Requested by City Secretary's Office.) Attachment.

- B. Approval of the Memorandum of Agreement with Coastal Bend Regional Advisory Council on Trauma Service Area U at no cost to the City authorizing the Fire Department to participate as a member of Emergency Medical Task Force Region 11 in the event of a major disaster and authorize the Mayor to execute any related documents. (Requested by Fire Department.) Attachment.

- C. Authorization to declare and dispose of additional surplus property, such as equipment and other miscellaneous items, from various City departments through a public auction as per Ordinance No. 86-08, authorized on July 20, 2013, and authorize a budget amendment as appropriate. (Surplus and auction authorized June 18, 2013; Requested by Finance Department.) Attachment.

- D. Approval of the Interlocal Cooperation Agreement with the Office of Hidalgo County Constables Precinct 1 providing them with certain surplus radars no longer useful to the Weslaco Police Department and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment.

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

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

IV. REPORTS

- C. Report on bond issuance by South Texas College.

Dr. Shirley Reed, representing South Texas College, stated it was founded as economic strategy to help people out of poverty. Currently there are 3,800 students the Mid Valley Campus. The Pell Grant has given \$17.0 million to Mid Valley students, with the majority of those funds spent in the local community. South Texas College is the leader in the nation for dual enrollment and 67% of UTPA students graduated from STC.

A two year master planning study identified as a priority to expand nursing and health care professionals, but identified inadequate resources. The proposed bond would help to expand certain buildings with \$159.0 million in improvements across all the campuses and with \$34.0 million invested in the Mid Valley Campus.

The November 5 election should offer two propositions: 1) the issuance of a bond in

the amount of \$159,028,940.00; 2) a \$0.03 additional annual tax for the maintenance and operation of the facilities. The total increase to the tax rate would be 3.5¢/\$100 property valuation.

Mayor Pro Tem Cuellar, seconded by Commissioner Martinez, moved to take item III. D. from its posted sequence for immediate consideration. The motion carried unanimously; Mayor Wise was present, but not voting.

III. NEW BUSINESS

- D. Discussion and consideration to approve the Lease Agreement with the Mid Valley Regional Communications Corporation for use of a portion of the City Public Works Facilities Building and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment.

The City Manager stated that the Mid Valley Regional Communications Corporation (MVRCC) is hoping to co-locate this facility with the 911 addressing department of the Lower Rio Grande Valley Development Council at the Public Facilities building.

Juan Gomez representing the 911 department stated they are achieving their goals for expansion thanks to the City of Weslaco.

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

In response to Commissioner Noriega, City Manager stated that the initial two years would be without a fee, but there is an option for an additional ten year lease. The expenses to operate the facility will be shared among the three cities of Donna, Mercedes, and Weslaco and the same cities will be saving money by the consolidation.

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

III. NEW BUSINESS

- A. Discussion and consideration to authorize a Special Services Agreement between the City of Weslaco and the Weslaco Area Chamber of Commerce in an amount not to exceed \$14,000.00 from Hotel/Motel Room Occupancy Tax proceeds for publicity and tourism, authorize a budget amendment as appropriate, and authorize the Mayor to execute the contract. Possible action. (Requested by Mayor Pro-Tem Cuellar and Commissioner Martinez.) Attachment.

Mayor Pro-Tem stated he requested the item as it had been brought to his attention that last year the Chamber had made contractual obligations for advertising in the anticipation the City would fund them.

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

Commissioner Noriega asked if this was for the same invoice she inquired about in

May; Martha Noell stated that this was the same invoice for certain advertising.

The Mayor Pro-Tem encouraged the Chamber to work with the City Manager to discuss the Chamber's needs. The City Manager stated there were some non-substantive changes made to this item and have been discussed with the City Attorney.

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

B. Discussion and consideration to accept bids received on tax resale property described as follows:

- 1) Lot 7, Block 3, Citrus Terrace #2;
- 2) Lot 6, Block 9, Northside
- 3) Lot 1, Block 2, Expressway Heights
- 4) Lot 23, Block 5, Tierra Santa Golf Club & Community Add., Phase 2
- 5) The East one-half of Lots 8 and 9, Block "C", Original Townsite Addition
- 6) Lot 16, Block 4, Expressway Heights
- 7) Lot 16, Block 6, Ramona
- 8) Lot 2, Block 1, Bailey
- 9) Lots 8 & 9, Block 1, Staats
- 10) Lot 5, Block 1, Guadalupe
- 11) Lots 9 & 10, Block 6, Christensen
- 12) Lots 16 & 17, Block 3, Gonzalez

approve Resolution 2013-61 authorizing the tax resale, authorize a budget amendment as appropriate, and authorize the Mayor to execute the tax resale deeds and any related documents. Possible action. (Requested by Delinquent Tax Attorney.) Attachment.

Mr. Gus Martinez representing Linebarger, Goggan, Blair, & Sampson stated a resale was held with 12 properties that pertained to the City. The total bid amount is \$28,055.05. This is the third time for each property to be placed for tax resale.

Mr. Martinez explained that whenever taxes are not paid on a property a lawsuit is issued. The property owner can then enter into a payment agreement to pay back the taxes; if there is not agreement then the property is seized and put up for sale. Many of the seized properties are vacant or abandoned lots. For many of these properties taxes have not been paid in ten years. Mayor Pro-Tem Cuellar stated that many of the properties are sold under appraised value because the buyer assumes the risk of outstanding liens or loans.

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.

For the record, Resolution 2013-61 reads as follows:

RESOLUTION NO. 2013-61

STATE OF TEXAS

§ A RESOLUTION AUTHORIZING TAX RESALE

COUNTY OF HIDALGO §

CITY OF WESLACO §

WHEREAS, by Tax Resale conducted on June 22, 2013 the properties described below were struck-off in accordance with Texas Tax Code Ann. §34.05; and

WHEREAS, these properties were acquired by the City through previous tax foreclosure proceedings:

- 1) Lot 7, Block 3, Citrus Terrace #2;
- 2) Lot 6, Block 9, Northside
- 3) Lot 1, Block 2, Expressway Heights
- 4) Lot 23, Block 5, Tierra Santa Golf Club & Community Add., Phase 2
- 5) The East one-half of Lots 8 and 9, Block "C", Original Townsite Addition
- 6) Lot 16, Block 4, Expressway Heights
- 7) Lot 16, Block 6, Ramona
- 8) Lot 2, Block 1, Bailey
- 9) Lots 8 & 9, Block 1, Staats
- 10) Lot 5, Block 1, Guadalupe
- 11) Lots 9 & 10, Block 6, Christensen
- 12) Lots 16 & 17, Block 3, Gonzalez.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Weslaco approves the bids received on the properties described and authorizes the Mayor to execute tax resale deeds conveying the approved properties.

PASSED AND APPROVED on this 16th day of July, 2013.

/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 authorize a Public Purpose Services Contract and Building Use Agreement between the City of Weslaco and the Boys and Girls Club of Weslaco, Inc. in an amount not to exceed \$12,499.98, authorize a budget amendment as appropriate, and authorize the Mayor to execute the contract. Possible action. (Requested by Parks & Recreation Department.) Attachment.

The City Manager stated the community has come together and incorporated a new Weslaco Boys and Girls Club; he recommends the City fund the organization as they have done in the past with the previous organizations.

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

Commissioner Noriega inquired if the City would receive financial reporting as required in the agreement and noted the amount on the agenda request form is not the same as the one in the contract. City Manager stated that the correct amount is the one noted in the contract and on the posted agenda.

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

- E. Discussion and consideration to extend the current policies or to authorize the solicitation of proposals or to elect to self-insure for Basic Life, Accidental Death and Dismemberment Insurance, Commercial Property & Equipment, Crime, Flooding,

and Airport Policies. Possible action. (There was no action on this item June 18, 2013; Requested by Human Resources Department.) Attachment.

There was no action on this item.

- F. Discussion and consideration to approve the Waterline Access Agreement to install Fire Hydrants at the pertaining areas in the property specifically listed in Exhibit "A" of the agreement, also being 1.7295 acres of land out of Farm Tract 626 West Tract Subdivision, located at 2901 W. Business Hwy. 83, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated that the proposed development is within North Alamo Water Supply Corporation Certificate of Convenience and Necessity (CCN) and within the City's fire protection area. He 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.

- G. Discussion and consideration to amend the Professional Engineering Services contract with Briones Engineering for the Weslaco Water Treatment Plant and Offsite Distribution Project to prepare a Professional Engineer Report for the City of Weslaco's South Wastewater Treatment Plant to be financed by savings from this construction project. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated this is to conduct a preliminary engineering report on the South Waste Water Treatment Plant (SWWTP) for possible expansion; Briones Engineering currently is working on the Water Treatment Plant. The SWWTP is not under any Texas Commission on Environmental Quality enforcement or violations so is at the proper time for expanding the plant. The cost for the engineering report would come from any savings at the Water Treatment Plant.

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

Mayor Pro-Tem Cuellar suggested an amendment for the fees not to exceed savings and for City Manager to negotiate a contract for Mayor's signature. Commissioner Rivera, seconded by Commissioner Fox, moved to approve the item as amended.

In response to Commissioner Noriega, Mr. Briones, representing Briones Engineering, stated after a preliminary analysis they could then recommend a scope of work and fees. Commissioner Noriega stated she was uncomfortable approving this item without a cost.

Mayor Wise stated that SWWTP is already at 75% capacity. Mr. Briones stated that the preliminary engineering report would identify multifaceted options over ten to twenty years. Commissioner Noriega asked why the City is not bidding out these services in order to get the best rate; Mr. Briones stated that state law does not allow

any bid on engineering services based on price, only experience. The City Manager clarified the City could go through the Request For Qualification process, but recommends Briones Engineering for this project.

Commissioner Noriega opposed. The motion carried (5-1); Mayor Wise was present, but not voting.

- H. Discussion and consideration to approve payment and final payment from Cruz-Hogan Consultants, Inc. for the FEMA Drainage Improvements Project Phase I, FEMA Project Numbers DR 1791-119 and DR 1791-134 for the amount not to exceed \$11,950.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

City Manager stated this item is for final payment and the work has been turned over to the Public Utilities Director. The next phase of the project will be to identify funding for the construction of the project. Mayor Pro-Tem stated the City may or may not be able to use the plans, depending if funding becomes available.

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

In response to Commissioner Noriega, the City Manager stated the funds for these payments are from a grant the City received through the Federal Emergency Management Agency.

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

- I. Discussion and consideration to approve Change Order Number 2 with J.F. Utilities for rehabilitation of Lift Station Number 36 to increase the contract amount not to exceed \$40,000.00 due to unforeseen conditions, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager stated that Lift Station 36 is one of the worst lift stations in the City. The City had budgeted \$788,000.00 for this project; the first change order was an extension to the time at no cost, but there have since been unforeseen circumstances.

Milo Salinas, representing LeFerve Engineering, stated that the Lift Station is substantially complete, but water elevations were higher than anticipated: the existing six pumps were set on top of cages so sludge levels were at six feet instead of two feet, and an estimated 250,000 gallons a day of ground water had collected and needed to be eliminated.

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

Commissioner Tafolla stated that J F Utilities is making miracles by making this Lift Station even operable.

Mayor Pro Tem Cuellar stated that they place good faith bids, but sometimes unforeseen conditions arise. The City Manager asked if they had calculated a deduction based on those late days; Mr. Salinas stated that they were still negotiating with the contractor for potential savings.

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

IV. **REPORTS**

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

The City Manager announced that the filing dates for the elections are July 27 through August 26. The City Secretary's office had an inspection by the Department of Health and Human Services and had no violations in the Vital Records Division. Movies at the park have been a success with an average of 300 citizens in attendance on a weekly basis. The Police Department will be receiving new bulletproof vests and duty gear at the end of this month.

In response to Commissioner Noriega, Mr. Salinas stated that any changes or repairs to the tracks would be done by the railroad company and the City would have to negotiate with them to fix the intersection.

Commissioner Noriega stated that Amigos Del Valle is calling her about unpaid invoices from 2011; the City Manager stated that the City had stopped funding the Amigos Del Valle in FY2011 and those amounts are in dispute right now.

Commissioner Fox requested in the upcoming budget adequate firearms for the Police Department. Chief Kelley stated that they have already placed that in their proposed budget for this fiscal year.

Mayor Wise asked about the traffic light at Blue Wave development; Mr. Underwood stated that it is staff recommendation not to install the traffic light at this time. Commission Tafolla commented that intersection needs the synchronization of the traffic lights and two left turn lanes.

B. Report by Economic Development Corporation of Weslaco. Attachment.

Ms. Alicia Aguilar, Interim Director of the Economic Development Corporation, announced that Longhorn Steakhouse has been giving its surplus foods to the Aurora House. The LRGVDC co- leased the parking lot across street so that local businesses could continue to utilize it. The Payne Auto Mall is complete. The EDC has created a contract to keep the area around Border and Business 83 mowed. Omar Figueroa will have the Weslaco Advantage logo on his shorts for his next boxing match. Jammin' in July, which celebrated its second year of Alfresco Weslaco, was a success. The City is nearly 7% ahead of last year in sales tax revenue.

Commissioner Fox announced that Omar Figueroa will be boxing on July 27 on Showtime network; he will be fighting in San Antonio for a world title belt.

V. PUBLIC COMMENTS

There were no public comments received.

VI. EXECUTIVE SESSION

At 7:13 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:25 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Discussion with City Attorney regarding C.A. No. M-12-420, Priscilla Montano, Eddie Anzaldua, Gregorio Hinojosa, Jr., Esteban Estrada, Yvonne Rodriguez, Ruben Mata, Griselda Jimenez, Olga Grein, Irene Ochoa, and Griselda “Cris” Martinez, Plaintiffs v. The City of Weslaco, Defendant pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- B. 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.

VIII. ADJOURNMENT

With no other business before the Commission, at 7:26 p.m. Commissioner Tafolla, seconded by Commissioner Fox, moved to adjourn the July 16, 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

COMMISSIONER, Lupe Rivera

COMMISSIONER, Joe A. Martinez