



**A SPECIAL MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 30, 2013**

On this 30th day of July 2013 at 5:30 p.m., the City Commission of the City of Weslaco, Texas convened in a Special 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; 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 26, 2013.
- B. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance; Mayor Pro-Tem recited the Texas flag.
- C. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 July 10, 2013;
 - 2) Regular Meeting of July 16, 2013.

(Requested by City Secretary's Office.) Attachment.

- B. Approval of the renewal of the Federal Work Study agreements with The University of Texas Pan American, including the America Reads Challenge, America Counts Challenge, and Community Service programs, to allow the City of Weslaco to obtain student volunteer assistance at no cost to the City and authorize the Mayor to execute any related documents. (Requested by Library.) Attachment.
- C. Approval of the renewal of the annual Host Agency Agreement with AARP Senior Community Service Employment Program allowing the City of Weslaco to accept participants through a short-term work-training program and authorize the Mayor to execute any documents. (Requested by Human Resources Department.) Attachment.
- E. Approval of the modification of interlocal agreement executed June 27, 2013 with Hidalgo County Precinct 1 and Texas Department of Transportation (TxDOT) for the reconstruction of Mile 6 West (Westgate Drive) from Mile 9 North to Mile 11 North in an amount not to exceed 10% of the total project cost (TxDOT 80% and Hidalgo County 10%) and city-owned utility exceptions and authorize the Mayor to execute any related documents. (Commission approved the agreement June 27, 2013; Requested by Planning and Code Enforcement Department.) Attachment.

Commissioner Noriega requested item II. E. be withheld from the consent agenda for discussion. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve items A, B, C, and E of the consent agenda. The motion carried unanimously; Mayor Wise was present, but not voting.

II. CONSENT AGENDA

- D. Approval of the renewal of the E9-1-1 Public Safety Answering Point Services Interlocal Agreement with the Lower Rio Grande Valley Development Council to continue providing the City of Weslaco the necessary service and equipment to answer emergency calls and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment.

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.

Commissioner Noriega stated she had requested item II. E. be withheld for discussion not item II. D. Reconsideration of item II. E. failed from lack of a motion; Mayor Wise apologized for the mistake.

III. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2013-08, repealing Part II Chapter 26 of Article XI of the City's Code of Ordinances and providing a new landscape ordinance. First Reading of Ordinance 2013-08. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager stated this ordinance applies to new commercial and residential development throughout the City and requires more vegetation. The ordinance outlines recommended trees that would not affect power lines. The City had previously adopted an ordinance as recommended by AEP which will be incorporated into the second reading of this ordinance.

In response to Mayor Wise, Mr. Jeff Underwood stated the ordinance would apply to remodels based on the extent; the proposed ordinance does not specify a percentage of green area, instead it is based on dimensions, the number of trees and shrubbery. The Mayor requested the incorporation of a percentage on second reading.

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 re-consideration on behalf of Ramona Flores & Elmer Ramos to approve the Final Plat of El Papalote Ranch Subdivision, being 6.028 acre tract out of Farm Tract 310, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager stated the proposed subdivision had an issue with fire hydrants, but the developer agreed to escrow the funds.

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

In response to Commissioner Noriega, the City Manager stated that the subdivision was complete, just lacking the hydrants. Mr. Underwood reiterated that the funds already have been escrowed and once a line is in place that can handle a hydrant it would then be installed.

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

- C. Discussion and consideration on behalf of Sunil Wadhvani to approve the Final Plat of Sarina Group Subdivision, being 2.498 acres of land out of Farm Tract 132, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and 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.

Commissioner Tafolla, 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 on behalf of Project Engineer, Kimley-Horn and Associates, Inc. to approve the Final Plat of Southgate Center Subdivision, being 12.48 acres more or less out of Farm Tract 675 and Farm Tract 679, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning and Code Enforcement Department.) Attachment.

The City Manager stated that the proposed final plat is located on 18th Street and Texas Boulevard; Planning & Zoning Commission and staff recommend approval

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 Interlocal Cooperation Agreement with Hidalgo County establishing a rate schedule for mutual projects and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment.

The City Manager stated the proposed item is for a partnership with Hidalgo County Precinct 1 to regulate equipment and labor for reimbursement on collaborative projects.

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

Commissioner Noriega questioned the timing of this agreement when the City already has all equipment. Commissioner Martinez expressed his support of the agreement citing when Precinct 1 supplied the pumps to assist with Las Brisas flooding.

Commissioner Martinez, seconded by Commissioner Rivera, called to question the motion.

Commissioner Noriega opposed the motion to approve the item as presented. The motion carried (5-1); Mayor Wise was present, but not voting.

- F. Discussion and consideration to authorize the solicitation of proposals to purchase water rights in an amount not to exceed 2,000 acre-feet, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated this grants permission to the Utility Department to solicit water rights for the City through the market; the purchase of those rights will be by separate action later.

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

Mayor Wise stated the subdivision ordinance should require the developer to turn over the water rights to the City. Mr. Underwood stated it would be included in the draft ordinance to be presented to the Commission next month. The City Manager stated meanwhile the funds to purchase these water rights potentially could come from the Certificate of Obligation.

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

- G. Discussion and consideration to authorize a letter of commitment to Texas A&M Kingsville (TAMUK) and the Lower Rio Grande Valley Texas Pollutant Discharge Elimination System Storm Water Task Force participating in the Texas Commission on Environmental Quality Non-point Source Program FY 2014 Clean Water Act Section §319(h) Grant program through an in-kind contribution and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated this allows staff to submit a grant for work on medians throughout the City to eliminate storm water discharges with a 40% in-kind contribution by the City.

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

- H. Discussion and consideration to approve budget amendments for various departments. Possible action. (Requested by Finance Department.) Attachment.

The City Manager stated that the proposed amendment is for this Fiscal Year to provide for funding in the pension, workers compensation, and travel and training budgets in an amount of \$245,000.00. Mr. Bret Mann stated this would maintain a balanced budget.

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

Commissioner Noriega asked why these funds were not set aside at the beginning of the fiscal year. Mr. Mann stated that when the budget was approved the pension contribution was at a lower rate of 1:1 match and in December the Commission raised the rate to 1.5:1 match. Also the workers compensation rates were higher than anticipated. Commissioner Fox stated typically the renewal rates come in after the budget is finalized so it is difficult to project the numbers.

Commissioner Noriega asked why the Commissioners' travel fund has doubled and the litigation budget is overdrawn; Mr. Mann explained the funds were budgeted low when compared to past expenditures. The Finance Department also added positive pay to bank services as prudent practice to protect City funds.

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

- I. Discussion and consideration to approve an Election Order toward the General

Election on November 5, 2013 pursuant to Texas Election Code §3.005 and authorize the Mayor and Commissioners to execute any related documents. Possible action. (Requested by Office of the City Secretary.) Attachment.

The City Manager stated this item calls a general election for Mayor, Single Member District Commissioner 5 and Commissioner 6.

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

Citing parking concerns at the South Texas College Mid Valley Campus, Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, amended the motion to host early voting only at the City Hall complex to include the Business, Visitors' and Events Center and give City Manager the discretion to finalize the location. The motion carried unanimously; Mayor Wise was present, but not voting.

- J. Discussion and consideration to approve the Sister Cities International partnership agreement for the City of Weslaco, Texas, United States of America and San Miguel de Allende, Guanajuato, Mexico and authorize the Mayor to execute any related documents. Possible action. (Requested by Office of the City Manager.) Attachment.

The City Manager stated this agreement creates a Sister City partnership with San Miguel de Allende; Mayor Wise stated this partnership would allow for cultural exchanges, potential events, medical and environmental partnerships. San Miguel de Allende has been named a world heritage site.

City Manager stated that part of the requirement is that \$500.00 be paid to the international sister city membership and ceremony. Those that will be in attendance would be Mayor Wise and himself representing the City, Commissioner Tafolla representing the Economic Development Corporation, representatives of Knapp Medical Center, Weslaco Independent School District, and South Texas College; the Chamber and the Museum also are invited to attend. Mayor Wise stated the airfare is \$260.00 and the hotel \$60.00 a night.

Commissioner Rivera, seconded by Commissioner Martinez, 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, Financial Status, Upcoming Meetings, Appointments, and Feedback. Attachment.

The City Manager reported that the fire south of the City caused by corn husks has been extinguished. Parks & Recreation is working towards the installation of the play structure at Pecan Grove Park and the rubber mulch is being delivered to Gibson Park. The Planning & Code Enforcement department is working on updating the Extraterritorial Jurisdiction maps. The Finance department has finalized the budget calendar and will have a hearing August 25 and workshops

August 25 and 27; adoption is set September 30.

B. Report on Sponsored Projects. Attachment.

The City Manager referenced the report as enclosed.

C. Report on Litigation Status.

The City Manager referenced the report as provided.

D. Report on Operations Management International, Inc. (OMI) transition toward self-performance by the Public Utilities Department of water and wastewater treatment and lift stations.

The City Manager stated that in May the Commission voted not to renew the contract with Operations Management International. The City now is preparing to self-perform, bringing the operations in-house and with potential savings of \$300,000.00. Mr. David Salinas announced that employment packets were distributed in June to OMI employees and are due July 31. Mr. Salinas has met with OMI's senior management staff to work on the transition per the contract on delivery of chemical stockpiles, inventory, units, and lab services. The City will assume operations of the plants on September 30 at 12:00 a.m. The Human Resources department addressed all 19 employees on July 1 and proposed to hire all the employees. Any open positions not filled by the 19 employees will be advertised ready for the transition on September 30.

Commissioner Noriega stated she would like a televised presentation by OMI to explain any potentially overlooked expenses. Mr. Salinas stated that after evaluating OMI operations and researching other cities, he believes the projected numbers are accurate.

E. Report by Advocacy Alliance Center of Texas (AACT). Attachment.

Mr. Albert Morales, representing AACT, reported they are a non-partisan, non-profit organization who work year round to encourage voter turn out; Mr. Morales stated they would like for the Commission to invite them to City events to help promote the importance of voting.

Mayor Pro-Tem invited the organization to set up a booth at Al Fresco and would like to make sure the voters are made aware of the new requirement for ID's to be presented at the time of voting. Commissioner Tafolla asked when was the latest that a voter could apply to receive an electoral identification certificate (EIC). Mr. Morales stated the forms already are available at the elections and DPS offices. The organization only requires a week notice in order to set up a presentation and are available to speak at any local business.

V. **PUBLIC COMMENTS**

There were no public comments received.

VI. EXECUTIVE SESSION

At 6:37 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:25 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. 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.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to reject the Collective Bargaining Agreement proposed by the IAFF-WFFA Local 320 and continue negotiations. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the Interlocal Governmental Agreement with the Hidalgo County Emergency Services District No. 1 as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- C. 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 §551.071 of the Texas Government Code.

There was no action on this item.

- D. Pending Litigation – Consult with Special Assigned Counsel Arnold Aguilar regarding Cause No. C-1048-13-D, DKIII Hornback Enterprises, Ltd., Plaintiff, v. John Cuellar, Guadalupe Rivera, Jerry Tafolla, Leo Olivarez, and Jose Martinez, Defendants in the 206th Judicial District Court of Hidalgo County, Texas as authorized by §551.071 of the Texas Government Code.

Commissioner Rivera, seconded by Commissioner Martinez, moved to retain the Law Offices of Arnold Aguilar to file an answer and make a general appearance regarding Cause No. C-1048-13-D, DKIII Hornback Enterprises, Ltd., Plaintiff, v. John Cuellar, Guadalupe Rivera, Jerry Tafolla, Leo Olivarez, and Jose Martinez, Defendants in the 206th Judicial District Court of Hidalgo County, Texas. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Pending Litigation – Discussion with City Attorney regarding Civil Action No. 7:12-CV-00256, Jesus George Stillman, Plaintiff v. City of Weslaco, Texas, Albert Ponce and Weslaco Police Chief Michael Kelley, Defendant pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- F. Pending Litigation – Discussion with City Attorney regarding Civil Action No. 7:12-CV-00419, *Griselda Jimenez, Plaintiff v. City of Weslaco, Texas, Defendant* pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- G. Pending Litigation – Discussion with special counsel Shelton Valadez regarding No. 03-12-00535-CV In the Court of Appeals, Third Court of Appeals District *Tommy Adkisson, Individually and Officially on Behalf of Bexar County, Texas as County Commissioner Pct. 4, Appellants/Plaintiffs v. Greg Abbott, Attorney General of Texas and Hearst Newspaper, LLC, Appellees/Defendants* 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 8:28 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to adjourn the July 30, 2013 special 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