



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, AUGUST 6, 2013**

On this 6th day of August 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 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 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 Pro-Tem Cuellar called the meeting to order and certified the public notice of the meeting as properly posted Friday, August 2, 2013.
- B. Invocation.
Pastor Masilamony of Seventh Day Adventist Church delivered the invocation
- C. Pledge of Allegiance.
Mayor Pro-Tem Cuellar recited the Pledge of Allegiance and the Texas flag.
- D. Roll Call.
Ms. Elizabeth Walker, City Secretary, called the roll, noting the absence of Mayor Wise.

II. PUBLIC HEARING

- A. To solicit input on behalf of Arturo's Bar & Grill, LLC, owner Gilberto Garza, to obtain an On-Premise Mixed Beverage Late Hours Permit at 2303 W. Expressway 83, also being Lot 7, Town Center Subdivision, Weslaco, Hidalgo County, Texas.

Mr. Jeff Underwood stated this public hearing was for a Conditional Use Permit for Arturo's Bar & Grill at its new location; Gilberto Garza, owner, stated that they have operated the business at its current location for four years and are moving to

the expressway because there is insufficient parking at the current location. There were no comments received.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to close the public hearing as presented. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

III. 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 Special Meeting of July 30, 2013. (Requested by City Secretary's Office.) Attachment.
- B. Approval of the renewal of the Lease Agreement of City Park Tennis Courts area to South Texas College (STC) for the Spring Semester 2014 classes, January 1 - August 31, 2014 and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.
- C. Approval of the renewal of the Lease Agreement with the Weslaco Youth Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area, for a term of five (5) months August 1 - December 31, 2013 and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.

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

IV. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Arturo's Bar & Grill, LLC, owner Gilberto Garza, to approve an On-Premise Mixed Beverage Late Hours Permit at 2303 W. Expressway 83, also being Lot 7, Town Center Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

Mr. Underwood stated that the Planning and Zoning Commission and staff recommend approval of the Conditional Use Permit.

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

- B. Discussion and consideration to reject all proposals submitted within the Request for Proposals (RFP) for Wall Remodeling and Repainting services at the Mayor Joe V. Sanchez Public Library. Possible action. (Commission authorized Request for

Proposals on April 2, 2013; Requested by Library Department.) Attachment.

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

Mr. Underwood stated that the City received two bids for the remodeling at the Library: All Pro Contractors for \$46,950.00 and Espino Cabinets for \$36,875.00. Mr. Arnold Becho stated that the City received a bid from Adept Facilities Design (AFD) for \$33,000.00 three weeks ago through the Buyboard; in order to accept the bid from AFD the City should reject the current bids.

In response to Commissioner Noriega, Mr. Becho stated that the original two proposals came after a request for bids; the one from AFD is a pre-negotiated amount with the State. The City Attorney stated that because staff went for bids the Commission would have to reject them in order to award any contract to AFD.

Commissioner Fox clarified a contractor from the Buyboard pre-negotiates prices with the State which remain the same despite when the bid was submitted.

Commissioner Noriega questioned why the City did not use Buyboard originally instead of requesting an RFP. Mr. Underwood stated that the price is set for the scope of work and Mr. Becho was able to save the City \$3,000.00.

Commissioner Rivera, seconded by Commissioner Martinez, called to question the motion. The motion carried (4-1); Commissioner Noriega opposed. Mayor Pro-Tem Cuellar was present, but not voting.

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

- C. Discussion and consideration to approve the proposal of job order contractor Adept Facilities Design (AFD) and approve expenditure not to exceed \$33,500 for Wall Remodeling and Repainting Services as per the stipulations outlined within AFD's proposal and within the Texas Multiple Award Schedule (TXMAS) contract number TXMAS-13-56050, and to approve a budget amendment as appropriate. Possible action. (Requested by Library Department.) Attachment.

In response to Commissioner Noriega, Mr. Becho stated that only staff was present at the time of the bid opening. Mr. Underwood stated staff recommends acceptance of the proposal.

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

Mayor Pro-Tem stated that Commissioner Noriega alludes to an unfair proposal process. Mr. Vela responded there was no legal exposure because staff followed proper purchasing procedures.

The motion carried (4-1); Commissioner Noriega opposed based on concerns about the way the bids were rejected and awarded. Mayor Pro-Tem Cuellar was present,

but not voting.

- D. Discussion and consideration to approve Ordinance 2013-09 authorizing a negotiated resolution with Texas Gas Service regarding the company's May 1, 2013 cost of service adjustment ("COSA") filing; declaring existing rates to be unreasonable; adopting tariffs that reflect rate adjustments consistent with the negotiated settlement and finding the rates to be set by the attached tariffs to be just and reasonable; providing for the recovery of the City's reasonable and necessary rate case expenses; adopting a savings clause and other matters as ordained. First Reading of Ordinance 2013-09. Possible action. (Requested by City Attorney.) Attachment.

Mr. Underwood stated this serves as a rate increase by Texas Gas Service; staff recommends approval. Mr. Vela stated the practice is to pass certain costs of service incrementally rather than as a large lump sum. The monthly increase to a residential meter would be \$0.79, which is being proposed to all other 34 cities across the Rio Grande Valley.

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

- E. Discussion and consideration to extend the current policies or to authorize the solicitation of proposals for Group Health Insurance. Possible action. (There was no action on this item July 16, 2013; Requested by Human Resources Department.) Attachment.

Mr. Underwood stated staff recommends the City remain with the current vendor because of the nominal increase of 3.5% and the avoidance of double premiums in one month.

Commissioner Rivera, seconded by Commissioner Martinez, moved to extend the current insurance policies.

Ms. Araceli Garza representing Jeff Everett & Associates stated they received the renewal 90 days ahead of expiration and the increase to the plan is due to the Affordable Care Act taking place January 2014. The initial renewal increase was at 9% and staff negotiated the 3.5% rate increase. There will be no disruption to coverage.

Commissioner Noriega stated the Commission has a responsibility to go out for bids because there needs to be a comparison to show the community. Mr. Underwood stated the Commission still has the ability to go out for bids. Mayor Pro Tem Cuellar stated it was a calculated risk to negotiate with the current carrier; however, the City is on schedule to go out for bids.

Commissioner Rivera, seconded by Commissioner Martinez, called to question the motion. Commissioner Noriega opposed. The motion carried (4-1); Mayor Pro-Tem Cuellar was present, but not voting.

The motion to extend the current insurance policies for Group Health Insurance with Jeff Everitt and Associates as the agent of record carried (4-1); Commissioner Noriega opposed because she believes the City should go out for bids. Mayor Pro-Tem Cuellar was present, but not voting.

- F. Discussion and consideration to authorize the transfer of \$98,164.00 from the Retained Earnings account to various funds for the exempt and non-exempt wages of new positions created for the Water Treatment Plant and the Waste Water Treatment Plant for the remaining FY 2012-2013 and authorize a budget amendment as appropriate. Possible action. (Requested by Public Utilities Department.) Attachment.

Mr. Underwood stated some of the OMI employees opted to transfer to the City. This proposed action would pay for one month of training for the remaining positions.

Mr. Trinidad Cantu stated the amount identified is for 22 positions to run the facility based on the assigned pay scale. It would be more advantageous for the City if OMI continued to pay those employees through the end of September.

Mayor Pro-Tem Cuellar requested a list all of the employees that OMI has and all the employees that the City intends to hire as well as a pay scale for those employees. Commissioner Tafolla recommended no action on this item.

Mayor Pro-Tem Cuellar stated that the Commission already authorized the City Manager to cease negotiations with OMI and proceed with the transition. The proposed budget amendment is to pay employees for one month and this is the maximum amount it would cost the City. This would permit the City to bring in the employees one month ahead of schedule to allow for training; if there is no action on this item the employees would be hired October 1.

There was no action on this item.

V. REPORTS

- A. Report by Hidalgo County Metropolitan Planning Organization (MPO).

Mr. Andrew Cannon, representing the MPO, reported SJR1 passed the House and Senate last night on its 3rd Special Session, which is the transportation bill that allows \$1.0 billion as a voter referendum in November 2014. The MPO is working with City staff on the improvements needed at Westgate Drive and Mile 5 (34th) through border infrastructure funds. The MPO also is looking into intersection upgrades at Business 83 for pedestrian crossings with the cooperation of TxDOT.

VI. PUBLIC COMMENTS

There were no comments received.

VII. EXECUTIVE SESSION

At 6:32 p.m., the Mayor Pro-Tem announced the regular meeting to convene in Executive Session. At 6:55 p.m., the Mayor Pro-Tem announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

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

- A. Economic Development – Discussion to authorize a Development Agreement between the Economic Development Corporation of Weslaco and RiC Investments that provides an incentive over One Hundred Thousand Dollars (\$100,000.00) to locate a new restaurant and shopping center Weslaco pursuant to §551.087 of the Texas Government Code.

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

- B. Pending Litigation – Discussion with City Attorney and assigned Special Counsel Denton, Navarro, Rocha, & Bernal, P.C. regarding Civil Action No. 7:12-CV-420 Priscilla Montano, et al, Plaintiffs, v. City of Weslaco, Texas, Defendant pursuant to §551.071 of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve a settlement with Irene Ochoa, Greg Hinojosa and Esteban Estrada for the nuisance value of \$15,000.00 paid by the City’s insurance carrier. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

IX. ADJOURNMENT

With no other business before the Commission, at 6:56 p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the August 6, 2013 regular meeting. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

CITY OF WESLACO

(absent)

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