

app 5/5/09

**WESLACO CITY COMMISSION**

**REGULAR MEETING**

**APRIL 21, 2009**

On this 21<sup>st</sup> day of April, 2009 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 and the following members were present.

**NOTE:** If any accommodation for a disability is required, notify the City Secretary's Office at (956) 968-3181, Ext 3101 prior to the meeting date.

**NOTE:** If during the course of the meeting, any discussion of any item on the agenda should be held in executive or closed session, the City Commission will convene in such executive or closed session whether or not such item is posted as an executive session item at any time during the meeting when authorized by the provisions of the Texas Open Meetings Act.

- |                |                       |
|----------------|-----------------------|
| Mayor Pro-Tem  | J.F. "Johnny" Cuellar |
| Commissioner   | Soyla R. Gonzalez     |
| Commissioner   | Rene Rodriguez, Jr.   |
| Commissioner   | Adrian Gonzalez       |
| Commissioner   | Lupe V. Rivera        |
| Commissioner   | Patrick B. Kennedy    |
| City Manager   | Anthony Covacevich    |
| City Secretary | Amanda C. Elizondo    |
| City Attorney  | Ramon Vela            |

Also present: Leroy Gonzales, Interim Finance Director; Pete Garcia, Parks & Recreation Director; Gloria Sepulveda, Purchasing Director, Bernard Rodriguez, Senior Planner; and several other staff members and citizens. Mayor Buddy de la Rosa was absent due to another commitment out of town. Mayor Pro-Tem Cuellar called the meeting to order, a quorum was established and the following proceedings were held.

Howard Bloomquist, Senior Minister from the Central Fellowship Church of Weslaco gave the invocation. Mayor Pro-Tem Cuellar recited the Pledge of Allegiance and proceeded with the Pledge to the Texas Flag.

**I. CONSENT AGENDA**

**NOTICE TO THE PUBLIC**

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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 Minutes

1. Regular Meeting of April 7, 2009

B. Second and final reading of the following ordinances:

1. Ordinance No. 2009-04 amending Ordinance No. 2007-33 to change the City Commission Regular and Special Meeting times from 5:00 p.m. to 5:30 p.m. and ordaining other matters with respect to the subject matter hereof. Possible action.
2. Ordinance No. 2009-09 amending Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco Code to change the zoning of the West 10 acres of the East 20 acres of Farm Tract 686, West Tract Subdivision at 300 East 18<sup>th</sup> for "R-1" One Family Dwelling District Zoning to "B-1" Neighborhood Business District Zoning. Possible action.
3. Ordinance No. 2009-10 amending Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning of the 8.348 acres, out of Farm Tract 633, West Tract Subdivision at 1900 Block of West Business 83, from "R-1" One Family Dwelling District Zoning to "R-2" Duplex and Apartment District Zoning. Possible action.

- C. Request from the Weslaco Public Library to close the alley way behind the library to hold a Summer Reading Carnival on Saturday, June 27, 2009 from 8:00 a.m. to early afternoon with an option date of Saturday, July 11, 2009 in case of bad weather. Possible action.

Mayor Pro-Tem Cuellar requested that Item I., B.1 be pulled from the Consent Agenda.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Kennedy to approve the consent agenda with the exception of Item I, B.1. Motion carried unanimously.

Mayor Pro-Tem Cuellar stated Mayor de la Rosa had requested this item and recommended that the City Commission meetings be held at 5:30 p.m. instead of 5:00 p.m. because the public participation had hardly increased. He moved to denied

Ordinance No. 2009-04 and stated the City Commission meetings would be held at 5:00 p.m. as per the City Charter.

Motion was seconded by Commissioner A. Gonzalez.

Motion carried as follows: FOR: Mayor Pro-Tem Cuellar, Commissioner S. Gonzalez, Commissioner A. Gonzalez and Commissioner Rivera. AGAINST: Commissioner Rodriguez and Commissioner Kennedy.

## **II. PUBLIC COMMENTS**

A member of the public or the governmental body may make comments on subjects for which notice has been given and which are on the agenda Section 551.042, Texas Open Meetings Act. Public comments will be limited to three (3) minutes.

There were no comments from the audience.

Mayor Pro-Tem Cuellar moved the order of the agenda and proceeded with Item V., H.

H. Discussion and consideration to provide for the public broadcast of City Commission meetings, establish a budget, designate the manner in which the recording and broadcasting will be done and authorize the City Attorney to negotiate an interlocal agreement with the Weslaco Independent School District. Possible action.

Mayor Pro-Tem Cuellar stated the City Commission had appointed one member from the community to serve in a committee to study and submit a recommendation regarding the issue on video taping the City Commission meetings. He pointed out they met on certain occasions and Richard Vaughan, former City Commissioner served as the chairperson of the Media Committee.

Mr. Vaughan recommended that the City Commission meetings be aired on KWES Television. He mentioned they met with KWES staff and they had provided a proposal to the committee. Mr. Vaughan stated they also had a proposal to air the meetings in the internet submitted by Granicus. He indicated the committee was recommending accepting both proposals. Mr. Vaughan stated the City Manager had helped on putting the cost figures together; however, the figures had been modified to show the cost for both the KWES proposal and the use of the Granicus software. He indicated the Granicus proposal allowed for anyone to go into the internet and view any item at any time. Mr. Vaughan pointed out the first year cost for the KWES Proposal was \$11,400 and the labor, \$7,280 for two people for a 4 hour meeting. He added staff consisted of one city employee and one KWES employee which included the Granicus streaming on KWES web site. Mr. Vaughan stated the total cost for the first year to have it on KWES including equipment and labor was approximately \$18,680. He mentioned if the City Commission wished to have the meetings on Granicus and city web site they

would have another cost of equipment (\$10,840) and labor (\$9,330) to manage from their site. Mr. Vaughan stated the total cost for both ways was \$38,850.00. He added there was still a lot of negotiating that needed to be done by the city and school attorneys in regards to preparing an agreement. Mr. Vaughan stated the committee's first choice was KWES.

Commissioner S. Gonzalez asked Mr. Vaughan if they decided to do both options how long would it take to implement the Granicus Program.

Mr. Vaughan responded the Granicus would take about the same time.

A brief discussion was held regarding the necessary equipment and cost. Mr. Vaughan stated the city had to go through KWES and mentioned Mr. Steve Valdez was recommending to the school district that they do the filming for a one year contract. He pointed that by the end of the year the city employees would be trained to do the work. Mr. Vaughan stated it could require additional equipment, but the equipment that they would be supplying was an extra camera they had. He added it was older equipment with less technology and if anything went wrong they might have to up date it.

Motion was made by Mayor Pro-Tem Cuellar to adopt the committee's recommendation to accept both proposals from KWES and Granicus websites which included three cameras in operation and instruct the City Attorney to negotiate a Memorandum of Understanding with the Weslaco Independent School District. He added they could resolve this issue by stipulating that the city owned the KWES Channel.

Motion was seconded by Commissioner A. Gonzalez.

Mayor Pro-Tem Cuellar stated one stipulation could be that the school provide the first year at no cost.

Mr. Covacevich stated these charges were being proposed by Mr. Valdez, but the school board could change it.

Commissioner Rodriguez asked how much it cost to maintain the equipment.

Mr. Vaughan responded there was no maintenance cost.

Mr. Covacevich stated the annual cost was \$19,840.00; the one camera that was being discussed was one that needed to be purchased for \$8,000.00; the installation and cables; one camera would be mounted in the back wall where the City Commission sat that would be taping the presenter and then the other camera would be facing the audience that would also tape the City Commission.

Motion carried unanimously.

Mayor Pro-Tem Cuellar returned to the regular order of the agenda.

### **III. CITY MANAGER'S REPORT**

#### **A. Status report regarding the City of Weslaco's 2008-2009 Budget.**

Leroy Gonzalez, Interim Finance Director, briefly highlighted the different city funds and stated the General, Hotel, Interest & Sinking, Water, Sewer, Sanitation and Airport Funds and the city's sales tax currently were at 50%. He highlighted the revenues and expenditures: General Fund revenues were currently at 63%; Ad Valorem tax - 97%; Court Collection - 31%; Ambulance fees - 63% and Intergovernmental Revenues - 103%; interest earnings - 5%. He pointed out six departments reflected an overage in their budgets due to encumbrances from contracts paid on a monthly basis. Mr. Gonzalez stated these departments were in line with the budget. He mentioned the Hotel/Motel Fund revenues were at 23%; payments for the next quarter were due at the end of next month. Mr. Gonzalez stated payments had been made to the outside entities and expenditures were at 93%. He mentioned in the Interest and Sinking Fund revenues were at 92%; expenditures - 71% had paid all the tax supported debt; Water Fund - 41% under budget; Transfers Out line - 100%; Warehouse - 79%; Meter Division - 69%; Water Treatment Department - 82%; Debt Service - 100%; Sewer Fund revenues - 45% under budget; Transfers Out Line Item - 100%; Sewer Collection Department - 95% due to the encumbrance of the annual contract with OMI and the settlement offer of \$275,000.00; Sewer Treatment - 91% due to encumbrances of annual contract; Debt Service - 64%; Sanitation Fund - 50%; Debt Service - 90% and Airport Fund revenues were under budget due to fuel sales and the expenses were in line. Mr. Gonzalez stated there had been an increase of 5.45% from last year.

Commissioner Rodriguez asked for the total funds in the General Fund and about the Municipal Court collections.

Mr. Covacevich responded the ending fund balance was \$5,171,479.00. He stated they had listed 5 million dollars in outstanding warrants, but had a problem in obtaining the warrants from the Municipal Court to the collection agencies. He mentioned they had solved the problem.

Commissioner S. Gonzalez stated Mr. Covacevich had reported in one of the e-mail that the warrants had gone from two hundred to twelve hundred plus in the last two months.

#### **B. Report on the North Side Sewer Plant Bid Package #003 Alternate Summary.**

Mr. Covacevich stated the city had a Construction Manager at-Risk Contract with CCI and they had solicited bids.

Mr. Stan Connally gave a brief report on the bids and stated the first advertisement was published February 8, 2009 and March 3, 2009. He pointed out he would continued to do the same for every bid proposals on anyone that had not

responded. Mr. Connally mentioned they were about \$225,000.00 lower than what had been budgeted for the project.

C. Status report on the City of Weslaco's Comprehensive Financial Audit for Fiscal Year ended September 30, 2008.

Luis Castilleja, Certified Public Account, highlighted the General Fixed assets and recommended doing an inventory of the fixed assets. He mentioned they were unable to locate a detail depreciation schedule and this needed to be done. Mr. Castilleja recommended that the city hire a fixed asset management consulting firm to do the inventory. He mentioned they were force to qualify the audit report because they did not have the fixed assets information. Mr. Castilleja stated it was not a major qualification however somebody needed to be accountable for it.

Mr. Covacevich stated he had not seen a document of depreciation in the city's or the auditor's files. He mentioned there were records to show where they came from.

Discussion was held on the inventory and Raul Hernandez stated the audit would be completed before Mother's Day and requested a workshop to discuss the audit before May 5, 2009.

**IV. MAYOR'S REPORT**

A. Announcing the Grand Opening of the Weslaco Border Patrol Station.

Amanda C. Elizondo, City Secretary stated the Weslaco Border Patrol Station would be having a grand opening on April 30, 2009 at 11:00 a.m. located at 1501 E. Expressway 83, Weslaco, Texas.

B. Announcement of a Mini-Workshop hosted by the Texas Department of Housing on Neighborhood Stabilization Program.

Mr. Covacevich stated the Department of Affordable Housing was announcing a Neighborhood Stabilization Program Workshop on Thursday, April 23, 2009 from 12:00 Noon - 3:00 p.m. at the Chamber of Commerce Conference Room. He mentioned this workshop was for the cities that wanted to apply for funding under the Neighborhood Stabilization Program. Mr. Covacevich stated this was a housing program and had made contact with South Texas Affordable Housing Non-Profit Corporation for the city to submit an application for funding. He stated this program was created by the federal government to HUD and the Public Community Affairs helped people that have lost their homes to foreclosures and to acquire foreclose property and turn them into affordable housing. Mr. Covacevich stated non-profit organizations could use these monies to do land banking to purchase land to list for housing.

C. Status report on the May 9, 2009 Election.

Mrs. Elizondo reported the May 9, 2009 election would be to fill two positions in the City Commission for District 1 and District 4. She mentioned early voting would start on April 27, 2009 through May 5, 2009 and hours of operation were from 8:00 a.m. to 5:00 p.m. with the exception of April 29<sup>th</sup> and May 5<sup>th</sup> from 7:00 a.m. to 7:00 p.m at the Weslaco Independent School District Administration Board Room. Mrs. Elizondo stated publication for the General Election appeared on April 23<sup>rd</sup> in the Monitor Newspaper. She mentioned the last day to receive an application for mail ballot was May 1<sup>st</sup>. Mrs. Elizondo stated Election Day would be May 9, 2009 and the polling places would be opened from 7:00 a.m. to 7:00 p.m. and the polling places would be located at Memorial Elementary School for District #1 and Cleckler-Heald School for District #4.

For clarification, Mayor Pro-Tem Cuellar stated the school board decided not to have the election with the city. He mentioned people have to vote for the city and turn around and vote for the school board election.

D. Announcement of Proclamations signed by the Mayor.

Mrs. Elizondo reported that Mayor de la Rosa signed two proclamations last week designating Public Safety Telecommunications Week, Chief Martinez and Police Officers were presented and another one proclaiming City Secretary/Municipal Clerks Week from May 5<sup>th</sup> through May 13, 2009 and Janie Balli, Assistant City Secretary and I were present.

V. **NEW BUSINESS**

- A. Discussion and consideration to approve a budget amendment to allocate \$14,571.00 from the BJA-Justice Assistance Grant (JAG) to increase the Equipment Budget Line Item (01-512-3850) and Line Item – Capital Outlay Budget Line Item (01-512-4010) to purchase equipment for the Weslaco Police Department. Possible action.

Motion was made by Commissioner Kennedy and seconded by Commissioner A. Gonzalez to accept the City Manager's recommendation and approve the budget amendment as presented. Motion carried unanimously.

- B. Discussion and consideration to approve Resolution No. 2009-12 suspending the May 1, 2009 effective date of Texas Gas Service Company's statement of intent to increase rates to permit the city time to study the request and to establish reasonable rates; authorizing cooperation with other cities in the Rio Grande Valley service area to form the Valley Cities Gas Coalition ("VCGC") to hire legal and consulting services and to negotiate with the company and direct any necessary litigation; authorizing intervention in administrative and court proceedings involving the proposed rate adjustment; requiring reimbursement of cities' reasonable rate case expenses; requiring notice of this resolution to the

company and cities' legal counsel; and requiring delivery of this resolution to the company and legal counsel. Possible action.

Mr. Covacevich recommended suspending the rate increase and authorizes the attorneys and legal counsel to proceed with the issue.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Rodriguez to accept the City Manager's recommendation and approve Resolution No. 2009-12 as presented. Motion carried unanimously.

For the record, Resolution No. 2009-12 read as follows:

RESOLUTION NO. 2009-12

STATE OF TEXAS       §  
COUNTY OF HIDALGO §  
CITY OF WESLACO     §

A RESOLUTION BY THE CITY OF WESLACO, TEXAS SUSPENDING THE MAY 1, 2009 EFFECTIVE DATE OF TEXAS GAS SERVICE COMPANY'S STATEMENT OF INTENT TO INCREASE RATES TO PERMIT THE CITY TIME TO STUDY THE REQUEST AND TO ESTABLISH REASONABLE RATES; AUTHORIZING COOPERATION WITH OTHER CITIES IN THE RIO GRANDE VALLEY SERVICE AREA TO FORM THE VALLEY CITIES GAS COALITION ("VCGC") TO HIRE LEGAL AND CONSULTING SERVICES AND TO NEGOTIATE WITH THE COMPANY AND DIRECT ANY NECESSARY LITIGATION; AUTHORIZING INTERVENTION IN ADMINISTRATIVE AND COURT PROCEEDINGS INVOLVING THE PROPOSED RATE ADJUSTMENT; REQUIRING REIMBURSEMENT OF CITIES' REASONABLE RATE CASE EXPENSES; REQUIRING NOTICE OF THIS RESOLUTION TO THE COMPANY AND CITIES' LEGAL COUNSEL; AND REQUIRING DELIVERY OF THIS RESOLUTION TO THE COMPANY AND CITIES' LEGAL COUNSEL.

WHEREAS, the City of Weslaco, Texas ("*City*") is a gas utility customer of Texas Gas Service Company ("TGS" or "the Company"), and a regulatory authority with an interest in the rates and charges of TGS; and

WHEREAS, TGS filed with the City on or about March 27, 2009, a Statement of Intent to Increase Rates in all municipalities within its Rio Grande Valley service area effective May 1, 2009; and

WHEREAS, Gas Utility Regulatory Act § 104.107 grants local regulatory authorities the right to suspend the effective date of proposed rate changes for ninety (90) days; and

WHEREAS, it is incumbent upon the City, as a regulatory authority, to examine this filing to determine its compliance with the Texas Utilities Code; and

WHEREAS, TGS ratepayers, including the City and its residents, may be adversely impacted by the proposed rate change; and

WHEREAS, suspending the effective date allows the City additional time to review the filing; and

WHEREAS, it is reasonable for the City to cooperate with other similarly situated cities by joining the VCGC to conduct a review of the Company's application and to hire and direct legal counsel and consultants and to negotiate with the Company and direct any appropriate settlement, necessary litigation, or appeals; and

WHEREAS, the City has benefited from prior participation with other similarly situated municipalities in investigating the rates requested by TGS; and

WHEREAS, Gas Utility Regulatory Act § 103.022 provides that costs incurred by cities in ratemaking activities are to be reimbursed by the regulated utility.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, THAT:

1. The May 1, 2009 effective date of the rate change proposed by TGS is hereby suspended for the maximum period allowed by law to permit adequate time to investigate the sufficiency of the rate filing, review the proposed change, analyze all necessary information, and take appropriate action related to the proposed change and to establish reasonable rates.

2. The City is authorized to cooperate with other cities served by TGS in the Rio Grande Valley service area to create the VCGC to hire and direct legal counsel and consultants, negotiate with the Company, make recommendations to the City regarding settlement or the setting of reasonable rates and to direct any necessary litigation associated with an appeal of a city rate ordinance or denial resolution and the rate case filed at the Railroad Commission and possible subsequent appeals of an agency decision.

3. The City is authorized to intervene in any administrative proceedings or litigation associated with the proposed rate change.

4. TGS shall promptly reimburse the City's reasonable costs associated with the City's ratemaking activities related to the proposed rate change.

5. A copy of this resolution shall be sent to the Company, care of Dean LaFever, Area Manager, Rio Grande Valley Area at Texas Gas Service Company, P. O. Box 531827, Harlingen, Texas 78553-1827, and to Geoffrey Gay, legal counsel to VCGC in this matter, at Lloyd Gosselink, 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

**PASSED, APPROVED AND ADOPTED** on this 21<sup>st</sup> day of April, 2009.

CITY OF WESLACO  
/s/ Buddy de la Rosa, R. Ph.  
MAYOR

ATTEST:

/s/ Amanda C. Elizondo, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

C. Status report from Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce on chamber activities. Possible action.

Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, highlighted the following: Onion Fest activities that had taken place; Texas Scholars- had made presentations to the 8<sup>th</sup> graders regarding the importance of education; Come Meet Your Candidates and Greet them on Tuesday, May 28, 2009 at 5:30 p.m. – 7:30 p.m. for the city and school candidates. Mrs. Noell stated they had a new billboard on US Hwy 281 and were designing the one on Expressway 83. She mentioned they had visitors' registration and on December and February they had the highest month. She mentioned the Winter Texans were asking for hike and bike trails.

Mr. Covacevich stated the plans for the customs building for the airport to allow international flights to land in Weslaco were send to Washington for approval.

Mrs. Noell stated they were working with Mercedes on an advertisement campaign in Mexico to shop in Weslaco.

D. Discussion and consideration to approve a Ground Lease Agreement Template and an Airport T-Hanger Lease Agreement Template for the Weslaco Mid Valley Airport. Possible action.

Mr. Covacevich stated these were the agreement templates that they had prepared for owners at the airport and Airport T-Hanger leases with new information and requirements. He mentioned these agreements had been reviewed and approved by the City Attorney and recommended approval.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Kennedy to approve the item as presented. Motion carried unanimously.

E. Discussion and consideration to approve Resolution No. 2009-13 supporting the Hidalgo County Loop Project. Possible action.

Mr. Covacevich stated the resolution was in support of the Regional Mobility Authority Transportation Loop around Hidalgo County. He mentioned this did not provide any information or support of the route, but the resolution needed to be presented to the State Transportation Department.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Rodriguez to approve Resolution No. 2009-13 as presented. Motion carried unanimously.

For the record, Resolution No. 2009-13 read as follows:

RESOLUTION NO. 2009-13

STATE OF TEXAS                   §     SUPPORT OF THE HIDLAGO LOOP PROJECT  
COUNTY OF HIDALGO           §  
CITY OF WESLACO               §

WHEREAS, the Hidalgo County Regional Mobility Authority (the "Authority") is a regional mobility authority created pursuant to Chapter 370, Texas Transportation Code, as amended (the "Act"); and

WHEREAS, the Authority is authorized by the Act to address mobility issues in and around Hidalgo County; and

WHEREAS, the Authority has committed to develop the Hidalgo Loop, a qualified project under the provision, has commenced the development of the Loop, and is working with the County and the cities within the County to put in place a project that will serve the needs of all of the citizens of Hidalgo County; and

WHEREAS, the Hidalgo Loop will benefit the county and all of its residents through improved mobility, increased safety, and enhanced economic development.

NOW THEREFORE BE IT RESOLVED BY THE CITY OF WESLACO, TEXAS that the City supports the work of the Authority and pledges its full support of the Hidalgo Loop.

READ, CONSIDERED, PASSED, APPROVED and ADOPTED at a regular meeting of the City Commission of the City of Weslaco, Texas, at which a quorum was present and which was held in accordance with V.T.C.A., Government Code §551.041, on this 21<sup>st</sup> day of April, 2009.

CITY OF WESLACO  
/s/ Buddy de la Rosa, R. Ph.  
MAYOR

ATTEST:  
/s/ Amanda C. Elizondo, CITY SECRETARY

APPROVED AS TO FORM:  
/s/ Ramon Vela, CITY ATTORNEY

- F. Discussion and consideration to approve Ordinance No. 2009-11 adopting The Re-codification of The City of Weslaco Code of Ordinances; providing for the repeal of certain ordinances not included therein; providing a penalty for the violation thereof; providing for the manner of amending such code; and providing when such codification shall become effective and ordaining other matters with respect to the subject matter hereof. Possible action.

Mayor Pro-Tem Cuellar stated at the request of Mayor de la Rosa this item would be postponed to the next meeting.

- G. Discussion and consideration to authorize the Mayor to request that the City of Weslaco's 2009 Work Plan for the 2009 Year 22 Urban County Program allocation be adopted by Hidalgo County Commissioner Precinct 1, Sylvia Handy. Possible action.

Mr. Covacevich stated the Urban County Program was requesting that Hidalgo County Precinct 1 adopt our projects to obtain the Urban County Program funds. He mentioned this was due to the lateness of the audit.

Motion was made by Commissioner Kennedy and seconded by Commissioner A. Gonzalez to approve the item as presented. Motion carried unanimously.

- I. Discussion and consideration to approve the Certificate of Substantial Completion for the reconstruction of Westgate Drive Project and authorize the Mayor to execute the certificate. Possible action.

Mr. Covacevich stated this was in regards to the H.E.B. Project on Westgate Drive north of Expressway 83. He added this project had been substantially completed to five lanes and were opened. Mr. Covacevich stated they were currently working on the sidewalks and the Panther Drive signal light. He mentioned there was a list of minor

items pending and Randy Winston, City Engineer was recommending approval of the substantial completion.

Mr. Winston stated the signalization of the traffic lights was required, but the landscaping was not a portion of the project.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Rivera to approve the item as presented. Motion carried unanimously.

- J. Discussion and consideration to waive the building permit fees for the rehabilitation of homes funded by Motivation Education & Training, Inc. (MET). Possible action.

Mr. Covacevich stated Motivation Education & Training, Inc. (MET) represented by Belinda Farias was requesting to waive the building permit fees to allow them additional money for other costs to remodel and expand homes for needy people. He recommended approval.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner S. Gonzalez to approve the item as presented. Motion carried unanimously.

- K. Discussion and consideration of a 2.07% rate increase requested by the Public Utility Commission of Texas to the City of Weslaco's Telecommunications Right-of-Way Access Line Rates due to the 2009 Consumer Price Index. Possible action.

Ramon Vela, City Attorney stated under the statute every year the Public Utility Commission of Texas assigned and calculated the CPI increase of 2.07%. He mentioned last year the city adopted the full amount of the increase that was charged to telecommunications and it was passed on to the citizens. He mentioned the City Commission had a choice to accept it all, part or none.

Motion was made by Commissioner Kennedy and seconded by Commissioner Rodriguez to reject the increase. Motion carried unanimously.

- L. Discussion and consideration to approve Exhibit B amending the existing agreement between the City of Weslaco and Guzman & Munoz Engineering and Surveying, Inc. for Work Order No. 1 for the preparation of Easements of Lift Station No. 30 Offsite Improvements for a cost of \$4,200.00 and Work Order No. 2 for the Re-Design of Lift Station No. 30 Offsite Improvements for a cost of \$1,500.00 and authorize the Mayor to execute the amended agreement. Possible action.

Mr. Covacevich stated Work Order No. 1 in the amount of \$4,200.00 was to improve Lift Station No. 30 located on Border Avenue and 18<sup>th</sup> Street. He added the city was obtaining the easement to extend the sewer line to a property that did not have sewer services since the time the property was annexed into the city. Mr. Covacevich pointed

out Work Order No. 2, was to improve a drainage line that was on the road that had to be redesign and Work Order No. 2 was part of the bond issue. He recommended approval of the request.

Motion was made by Commissioner Rivera and seconded by Commissioner A. Gonzalez to approve the item as presented. Motion carried unanimously.

- M. Discussion and consideration of a request from The Economic Development Corporation of Weslaco to landscape the right-of-way on Railroad Street from Republic Street to Border Avenue. Possible action.

Hernan Gonzalez, Executive Director of The Economic Development Corporation of Weslaco stated this property was redeveloped and had spent a lot of money on the landscaping. He added the area had become an industrial zone and would like to continue beautifying the area to the east from Railroad Street right-of-way from Border Avenue to Republic Street. Mr. Covacevich indicated the EDC had allocated \$25,000.00 for this project and this would be 1<sup>st</sup> Phase.

Commissioner Rivera asked if the city could find a place to park the tractor trailers.

Mr. Gonzalez stated they were looking at a right-of-way going further east and another location was the city warehouse or at the Industrial Park.

Motion was made by Commissioner S. Gonzalez and seconded by Commissioner A. Gonzalez to approve the item as presented. Motion carried unanimously.

- N. Discussion and consideration to revise the Utility Reimbursement Agreement between The City of Weslaco and CVD Development, Inc. to detail a new route to connect 18" gravity line from the intersection of 18<sup>th</sup> Street and Pleasantview Drive to Mile 5 North Lift Station #35. Possible action.

Mr. Covacevich stated this item had been approved sometime ago for a reimbursement agreement, but the route was going from Pleasantview Drive and 18<sup>th</sup> Street west to a manhole that was near the ditch that crossed the road on 18<sup>th</sup> Street. He mentioned the manhole was not dug as deep as it was supposed to be as shown on the map. Mr. Covacevich stated a request had been made to the city for the City Commission to approve the route going from Pleasantview Drive to the East High School all the way south beyond 18<sup>th</sup> Street to Mile 5 North Road.

Motion was made by Commissioner S. Gonzalez and seconded by Commissioner Rodriguez to approve the item as presented. Motion carried unanimously.

- O. Discussion and consideration to authorize staff to submit two applications to the U.S. Department of Justice – Bureau of Justice Assistance for two grant programs made available through the American Recovery and

Reinvestment Act of 2009 in the amounts of \$492,000.00 and \$85,000.00 for mobile data terminals, perimeter fencing, camera surveillance, magnetic card access, and other equipment in support of the Weslaco Police Department and authorize the Mayor to sign the applications and related documents as needed. Possible action.

Motion was made by Commissioner Rodriguez and seconded by Commissioner Rivera to approve the item as presented and authorize the Mayor to execute the agreement. Motion carried unanimously.

- P. Discussion and consideration to authorize staff to submit an application to the U.S. Department of Agriculture – Rural Business Opportunity Program for one grant in the amount of \$50,000 for a mobile GIS system to enhance computer generated mapping capabilities, building permitting process, and provision of 911 services and authorize the Mayor to sign the application and related documents as needed. Possible action.

Motion was made by Commissioner A. Gonzalez and seconded by Commissioner Rivera to approve the item as presented and authorize the Mayor to sign the application and related documents as necessary. Motion carried unanimously.

- Q. Discussion and consideration to amend the City of Weslaco's Purchasing Manual not to require liability insurance for grants consultants. Possible action.

Mayor Pro-Tem Cuellar stated Mayor de la Rosa had asked to pass on this item; however, they would like to discuss it in a limited manner for one grant applicant.

Mr. Anthony Covacevich, City Manager, stated at the last meeting they approved a grant consultant to do the Trails Project utilizing the irrigation district's right-of-way between Bridge Avenue and Paso del Norte Road. He pointed out the city had contracted Jaime Garza to prepare the application due to the deadline to submit the application to Texas Parks & Wildlife Department. He indicated he would like to do this project instead of amending the Purchasing Manual as the Mayor had requested and recommended to grant a waiver to Mr. Jaime Garza on the liability insurance for this one instance only and take up the topic at the next meeting.

Motion was made by Commissioner A. Gonzalez to approve the recommendation of the City Manager.

Commissioner S. Gonzalez asked regarding the exposure.

Mr. Covacevich stated he met with Mr. Vela and he had advised him there is no liability exposure to the city on this project.

Mr. Vela responded this was correct because there was no guarantee that the city was going to get the funds; however, the proper procedure was to amend it through the

Purchasing Manual because it had a clause for professional vendors and Mr. Garza qualified.

Commissioner Rivera seconded the motion.

Motion carried as follows: FOR: Mayor Pro-Tem Cuellar, Commissioners: S. Gonzalez, A. Gonzalez and Rivera. AGAINST: Commissioners: Rodriguez and Kennedy.

Commissioner S. Gonzalez asked if they were voting on the waiver.

Mayor Pro-Tem Cuellar responded it would only be on the waiver for Jaime Garza and adjourned the meeting.

**CITY OF WESLACO**

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**MAYOR PRO-TEM**, J. F. "Johnny" Cuellar

**ATTEST:**

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**CITY SECRETARY**, Amanda C. Elizondo

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**COMMISSIONER**, Soyla R. Gonzalez

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**COMMISSIONER**, Rene Rodriguez, Jr.

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**COMMISSIONER**, Adrian Gonzalez

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Patrick B. Kennedy