

App. 10/19/10

WESLACO CITY COMMISSION

REGULAR MEETING

OCTOBER 5, 2010

On this 5th day of October 2010 at 6:00 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.

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| Mayor | Miguel D. Wise |
| Mayor Pro-Tem | J.F. "Johnny" Cuellar |
| Commissioner | Robert J. Garza |
| Commissioner | Rene Rodríguez, Jr. |
| Commissioner | Gerardo "Jerry" Tafolla |
| Commissioner | Lupe V. Rivera |
| Commissioner | Joe A. Martinez |
| City Manager | Leonardo Olivares |
| City Secretary | Amanda C. Elizondo |
| City Attorney | Ramon Vela |

Also present: Gloria Sepulveda, Purchasing Director; Bret L. Mann, Finance Director; Pete Garcia, Parks & Recreation Director; Francisco Castellanos, Human Resources Director; Bernard Rodriguez, Interim Planning and Code Enforcement Director; Candice Armenta, Urban County Program Representative and several other staff members and citizens.

I. CALL MEETING TO ORDER

Mayor Wise called the meeting to order.

II. ROLL CALL/ESTABLISH A QUORUM

Amanda C. Elizondo, City Secretary called the roll, a quorum was established and Mayor Wise presided the meeting.

III. INVOCATION/PLEDGE OF ALLEGIANCE

Howard Bloomquist, Senior Minister from Central Christian Fellowship of Weslaco and Chaplain of the Weslaco Police Department gave the invocation. Mayor Wise recited the Pledge of Allegiance and the Texas Flag.

IV. PUBLIC HEARINGS

- A. To solicit input from the public on the City of Weslaco's needs for Year 24 (2011) Urban County Program.

Bernard Rodriguez, Interim Planning and Code Enforcement Director, stated staff had conducted a public hearing to solicit input from interested parties on the city's needs eligible for funding under the Urban County Program Year (24) 2011. He added staff was required to submit a work plan to Urban County Program by November 15, 2010 outlining the projects for the county's review. Mr. Rodriguez stated staff received a request from the Lower Rio Grande Development Council for funding some human services projects. He mentioned the city had utilized past funding on sewer and water improvements and streets. Mr. Rodriguez stated the county's allocation to the city was approximately \$369,000.00.

The following items were discussed for possible funding under the Urban County Program Year 24.

1. Street Improvements - Border Avenue and 24th Street
2. Drainage Improvements by the old Lincoln School on Republic Street, the Payless area and Las Brisas Subdivision
3. Additional lighting for City Parks
4. Construction of sidewalks in school areas within Districts #5 and #6 on Airport Drive, Sugar Cane Road and Mary Hoge Academy area
5. Replacement of old waterlines in the old part of town
6. Water and Sewer Improvements

Mr. Rodriguez stated funding was based on low and moderate income areas designated by the census bureau. He mentioned there were some areas on Airport Drive, west and along the City Park that qualify. Mr. Rodriguez stated the city had begun improving some of the water and sewer lines since 2005.

Mayor Pro-Tem Cuellar stated the city had received a reimbursement for Las Brisas Subdivision for litigation of damages. He asked if the city had gotten a final response from FEMA on any other reimbursements.

Mr. Leonardo Olivares, City Manager, stated the city had submitted applications for funding to address flood problems, but the city had not been funded. He added staff was working with FEMA to see if another application could be made for litigation reimbursement. Mr. Olivares recommended that the city continue to seek funding from

other sources to do some of the basic infrastructure improvements such as drainage and lighting at the parks.

Mayor Wise announced this was a public hearing and anyone wishing to speak for or against it could do so.

Dr. Gloria Egli, citizen from Las Brisas suggested that a bridge be constructed for safety purposes due to a dangerous alley that crossed to the canal. She added the children would cross the canal on a tube that lay across the canal.

Mayor Pro-Tem Cuellar recommended that this matter be made a priority issue and staff should call the county to alert them of the situation.

B. To solicit input from the public on the City of Weslaco's Curfew Ordinance.

Comments were heard from Dr. Egli and suggested that the city inform the public about the Curfew Ordinance.

Mr. Olivares stated staff would work with the school to air an announcement about the Curfew Ordinance on the KWES Channel.

Robert de la Cerda, Interim Chief of Police, stated the Curfew Ordinance has been in affect for the past twenty years and was a great tool for the officers in keeping the youth off the streets.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Tafolla to close the public hearing. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

V. 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. Special Meeting of September 15, 2010
2. Regular Meeting of September 21, 2010

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Tafolla to approve the minutes as presented. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

VI. BOARD APPOINTMENTS

- A. Discussion and consideration to approve Resolution No. 2010-30 to appoint one member to the Ambulance Advisory Board. Possible action.

Mayor Pro-Tem Cuellar recommended no action on this item to allow interested citizens to submit an application to serve in the city boards and committees.

No action was taken.

- B. Discussion and consideration to accept the resignation of Kirk Bloomquist to the Planning and Zoning Commission and approve Resolution No. 2010-35 to appoint a new member to fill the unexpired term that will end on December 11, 2011. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to accept the resignation of Kirk Bloomquist from the Planning and Zoning Commission and approve Resolution No. 2010-35 appointing Rolando Noriega to serve the unexpired term ending December 11, 2011. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

For the record, Resolution No. 2010-35 reads as follows:

RESOLUTION NO. 2010-35

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PLANNING AND ZONING COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances.

WHEREAS, the terms of the members of this board are for three years; and

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

WHEREAS, Kirk Bloomquist has submitted a letter of resignation, resigning from the Planning and Zoning Commission effective August 24, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Rolando Noriega is appointed to serve the unexpired term of Kirk Bloomquist on the Planning and Zoning Commission Board and the term will expire on December 11, 2011.

PASSED AND APPROVED on this 5th day of October 2010.

CITY OF WESLACO
/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Amanda C. Elizondo, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

VII. OLD BUSINESS

- A. Discussion and consideration of an appointment by Weslaco City Manager Leonardo Olivares of a Weslaco Civil Service Commissioner for a three (3) year term, as mandated by Section 143.006 of The Texas Local Government Code, and approve Resolution No. 2010-33 confirming the appointment. Possible action.

Mr. Olivares recommended postponing the appointment of the Civil Service Commissioner until the following meeting.

VIII. NEW BUSINESS

- A. Discussion and consideration to enter into a Routine Airport Maintenance Program Grant between the City of Weslaco and TxDOT Aviation Division for Fiscal Year 2010-2011 and authorize the Mayor to execute the agreement. Possible action.

Mr. Olivares stated the city received funds from the State on an annual basis for the automated weather operations system and recommended approval of the item.

Motion was made by Commissioner Garza and seconded by Commissioner Rivera to approve the Routine Airport Maintenance Program Grant between the City of Weslaco and Texas Department of Transportation (TXDOT) Aviation Division for FY 2010-2011. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- B. Discussion and consideration to enter into an agreement between the City of Weslaco and Barnes & Noble Book Fairs to hold a fundraiser with Barnes and Noble and allocate the funds as the local match requirement for the Reading Is Fundamental Grant and authorize the Mayor to execute the agreement. Possible action.

Mr. Olivares stated the Weslaco Public Library would receive 10% of the proceeds and recommended approval of the item.

Motion was made by Commissioner Rivera and seconded by Commissioner Martinez to approve the agreement with Barnes & Noble Book Fairs and authorize the Mayor to execute it. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- C. Discussion and consideration to approve Change Order No. 3 from TRC Utilities for a decrease in the contract in the amount of \$22,500.00 for line

item adjustments in connection with Lift Station No. 27 Project. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to approve Change Order No. 3 from TRC Utilities for a decrease in contract price of \$22,500.00. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve final payment to TRC Utilities in an amount not to exceed \$50,605.90 for services rendered in connection with the Force Main Reversal Project for Siesta Village Lift Station and Proposed Lift Station No. 27 Project. Possible action.

Mr. Olivares recommended approval of the final payment to TRC.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to approve final payment to TRC Utilities as presented. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- E. Discussion and consideration to approve a Professional Services Agreement between the City of Weslaco Texas and Garcia and Pena, Certified Public Accountants to do the City of Weslaco Audit for Fiscal Year 2009-2010 and authorize the Mayor to execute the agreement. Possible action.

Mr. Olivares stated the proposed agreement was to contract the city auditor to conduct the city comprehensive audit for FY 2009/2010. He pointed out the city was not required to solicit proposals because it was professional services; however, if the City Commission wished to do so, staff would follow their directive.

Mayor Pro-Tem Cuellar referred to the previous management letters prepared by Garcia and Pena, CPA and stated that in the letters it indicated that the city must abide by the bidding procedures. He asked Mr. Garcia for his recommendation on this item based on his recommendations made in the management letters.

Mr. Garcia stated proposals were not required for professional services. He added the comments made in the management letters basically referred to construction projects and goods over the bid amount of \$15,000.00

Mayor Pro-Tem Cuellar stated Mr. Garcia was available via telephone to attend meetings and answer questions. He indicated he had no problem voting for the local vendor although the price was higher through proven history. Mayor Pro-Tem Cuellar stated they have received criticism from the budget committee. He asked if there was someone in the audience that would like to comment on how they should proceed whether to continue doing business as in the past or solicit bids for professional services. Mayor Pro-Tem Cuellar stated they had received a lot of criticism on the EMS contract.

He added the EMS contract was for professional services and the city had gone out for bids.

Vicki Wilt, member of the Ad Hoc Budget Advisory Board, stated the City Commission could do however they wanted. She mentioned they had questioned all the professional services contracts in regards to the cost. Ms. Wilt stated Garcia and Pena, CPA had experience with the city finances and was familiar with the current status of the Finance Department. She stated it was not the proper time to hire another auditing firm.

Lance Olsen, member of the Ad Hoc Budget Advisory Board, stated the committee agreed for the city to keep Garcia & Pena, CPA.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Tafolla to hire Garcia & Pena Certified Public Accountants to do the City of Weslaco Audit for Fiscal Year 2009-2010. Motion carried as follows: FOR: Mayor Pro-Tem Cuellar and Commissioners: Garza, Rivera, Tafolla and Martinez. ABSTAINED: Commissioner Rodriguez. (6-0). Mayor Wise was present, but not voting.

- F. Discussion and consideration to approve a Professional Services Agreement between the City of Weslaco, Texas and Garcia and Pena, Certified Public Accountants to perform consulting accounting services and authorize the Mayor to execute the agreement. Possible action.

Mr. Olivares stated the proposed agreement was to provide additional services required by the Finance Department. He added the Finance Department was not yet fully staffed and the city had advertised for an Assistant Finance Director with accounting background.

Bret Mann, Finance Director stated the Finance Department needed to get to a level where the department could take care of itself. He mentioned the auditors would get the financial information and audit the numbers. Mr. Mann stated he needed assistance in getting the numbers ready to do the audit. He indicated they could do this in-house, but it would take about one or two months. Mr. Mann pointed out Garcia & Pena CPA would be making recommendations; they would not make any decisions regarding accounting entries and no management decisions in the process. He added this was not part of the audit; this would only be assisting them to create financial statements.

Commissioner Tafolla stated that based on the budget for 2010-2011, Mr. Mann had fewer duties and was not in favor of employing an assistant finance director.

Mr. Olivares stated the Municipal Court, Meter Reading and Water billing were removed from the Finance Department.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Garza to hire Garcia and Pena CPA on a 90 day contract to provide consulting services and for them to present a report at the end of their services to the City Commission regarding the needs of the city for the Finance Department and present an invoice.

Motion carried as follows: FOR: Mayor Pro-Tem Cuellar and Commissioners: Garza, Rivera, Tafolla and Martinez. ABSTAINED: Commissioner Rodriguez. (6-0). Mayor Wise was present, but not voting.

Mr. Olivares recommended that the City Commission convene in executive session to discuss some of the changes in the Economic Development Corporation By-Laws.

Motion was made by Mayor Pro-Tem Cuellar to discuss Item G. in executive session.

Mr. Olivares also recommended discussing Items I. and J. under New Business.

Mayor Pro-Tem Cuellar amended his motion to include Items I. and J. and Commissioner Tafolla seconded the motion to convene in executive session to include Items G, I and J. under New Business. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

At 7:04 p.m., Tuesday, October 5, 2010, Mayor Wise announced the City Commission would convene in executive session to discuss the items mentioned above and recessed the regular meeting.

At 7:33 p.m., Tuesday, October 5, 2010, Mayor Wise announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

- G. Discussion and consideration of the revisions of the Bylaws of The Economic Development Corporation of Weslaco (EDC) as approved by the EDC Board of Directors. Possible action.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Tafolla to table the revisions of the By-Laws of The Economic Development Corporation of Weslaco. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- H. Discussion and consideration to approve a request from Aurora House to hold a Walk-A-Thon as a Fundraiser to benefit the Aurora House starting from South Texas College to Huisache Street, westbound to Border Avenue, cross the street to the northbound on Border Avenue to Pike Street; westbound on Pike Street to the parking lot of the Weslaco High School south to Panther Drive, eastbound on Panther Drive to Border Avenue and across the street to Huisache Street returning to South Texas College; waive all fees and ordinances associated with the event and assistance from the Weslaco Parks & Recreation, Public Facilities, Police, Fire and Emergency Medical Services Departments. Possible action.

Motion was made by Commissioner Tafolla and seconded by Mayor Pro-Tem Cuellar to approve the request from Aurora House to hold the Walk-A-Thon. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

Patti Dittburner, Representative of Aurora House, stated their aim was to be compassionate to those that were very ill. She mentioned they did not receive funding from government programs and their services were free of charge. Mrs. Dittburner stated they served the mid valley area and the public was invited to participate in the Walk-A-Thon.

- I. Discussion and consideration to amend Article 18 of the Collective Bargaining Labor Agreement between The City of Weslaco and Weslaco Municipal Police Union (WMPU) to eliminate the 2% pay increases on annual base salaries for Fiscal Year 2010-2011 for all respective classes of officers in the Weslaco Police Department. Possible action.

Mr. Olivares stated staff had met with the Weslaco Police Union Representatives to negotiate the two percent wage increase in exchange for no reduction in force. He recommended approval of the item.

Motion was made by Mayor Pro-Tem Cuellar and seconded by Commissioner Rivera to amend Article 18 of the Collective Bargaining Labor Agreement between The City of Weslaco and Weslaco Municipal Police Union (WMPU) to eliminate the 2% pay increases on annual base salaries for Fiscal Year 2010-2011 for all respective classes of officers in the Weslaco Police Department. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- J. Discussion and consideration to amend Article 26 Section 2 of the Collective Bargaining Labor Agreement between The City of Weslaco and Weslaco Fire Fighters Association IAFF Local #3207 to eliminate the 2% pay increases to base pay salaries for all classifications in the Weslaco Fire Department. Possible action.

Mr. Olivares stated staff had also met with the Fire Union to eliminate the two percent wage increase in exchange for no reduction in force. He recommended approval of the item.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rivera to amend Article 26 Section 2 of the Collective Bargaining Labor Agreement between The City of Weslaco and Weslaco Fire Fighters Association IAFF Local #3207 to eliminate the 2% pay increases to base pay salaries for all classifications in the Weslaco Fire Department. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- K. Discussion and consideration to apply for a line of credit not to exceed two million dollars. Possible action.

Mr. Olivares recommended approval of the item to secure additional funds for the city in order to pay for existing expenses owed for vacation and sick leave and for severance pay for the employee that elected the voluntary separation agreement.

Motion was made by Commissioner Garza and seconded by Mayor Pro-Tem Cuellar to authorize the City Manager to apply for a line of credit not to exceed \$2 million to be used for allowable public purposes that will include payment of employee voluntary separation payments prior to adopting the necessary budget amendments. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

- M. Discussion and consideration of possible amendments to Sections 42-150 and 42-151 of the City of Weslaco Electrical Code. Possible action. (This item was requested by Commissioner Gerardo "Jerry" Tafolla and Commissioner Rene Rodriguez, Jr.)

Mr. Olivares stated there was an issue in terms of how the city was enforcing the electrical codes.

Mr. Rodriguez stated the Code Enforcement Department would follow the National Code and recommended for the inspectors to review the code for any revisions to address any concerns.

Discussion was held regarding the duties of the Chief Building Inspector; the need to have a master electrician and plumber and Mr. Olsen stated the city has a Chief Building Official, Electrical Inspector, Code Enforcement Supervisor, Planning Supervisor, but no Plumbing Inspector. He stated there was an issue on 401 S. Kansas whereby a new building was being constructed and the first part of the construction was inspected and approved. Mr. Olsen mentioned that he was doing the second part of the building and had come to the Code Enforcement with an issue in regards to the electrical work and was informed that the city could not help him. He stated that the controversy was over the material used. Mr. Olsen gave an illustration of the different types of materials used and stated the city should implement the most current codes dated 2010 and the 2011 code was almost out. He mentioned the city was enforcing the 2005 Code.

Mr. Olivares stated the city needed to update the codes to be current and be uniformed in enforcing the codes.

Commissioner Tafolla stated the Code Enforcement Department needed to comply with the Weslaco City Charter and any other state or national codes.

- L. Discussion and consideration to continue with the City of Weslaco's Curfew Ordinance. Possible action.

Motion was made by Commissioner Garza and seconded by Commissioner Rodriguez to approve the continuation of the Curfew Ordinance. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

IX. CITY MANAGER'S REPORT

- A. City Manager's report: Financial Status, Departmental Update, Upcoming Meetings, Appointments and other items.

Mr. Olivares stated his report was included in the agenda and announced that Mr. Alvino Flores, Sr. had resigned as the Police Union President. He thanked him for all the work he had done on behalf of the union and the city.

X. PUBLIC COMMENTS

Hernan Gonzales, Executive Director of the Economic Development Corporation, stated the EDC By-Laws were presented to the City Commission in April 2010.

XI. EXECUTIVE SESSION

XII. POSSIBLE ACTION OF WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Discussion with the City Attorney of Cause No. CCD-0033-F, In The Matter of Proceedings By the City of Weslaco, Texas For The Condemnation of Certain Property of Ricardo Oliva, as authorized by Section 551.071 of The Texas Government Code.

Mayor Wise announced no action was required on this item.

XIII. ADJOURNMENT

Motion was made Commissioner Rodriguez and seconded by Commissioner Tafolla to adjourn the meeting. Motion carried unanimously, (6-0). Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Amanda C. Elizondo

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

COMMISSIONER, Robert J. Garza

COMMISSIONER, Rene Rodríguez, Jr.

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez