

Opp 4/6/10

WESLACO CITY COMMISSION

REGULAR MEETING

MARCH 16, 2010

On this 16th day of March, 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 | Buddy de la Rosa |
| Mayor Pro-Tem | Rene Rodríguez, Jr. |
| Commissioner | Robert J. Garza |
| Commissioner | J.F. "Johnny" Cuellar |
| Commissioner | Gerardo "Jerry" Tafolla |
| Commissioner | Lupe V. Rivera |
| Commissioner | Patrick B. Kennedy |
| City Manager | Leonardo Olivares |
| City Secretary | Amanda C. Elizondo |
| City Attorney | Ramon Vela |

Also present: Omar Gonzales, Finance Director; Pete Garcia, Parks & Recreation Director; Gloria Sepulveda, Purchasing Director; Bernard Rodriguez, Interim Planning and Code Enforcement Director; Francisco Castellanos, Human Resources Director and several other staff members and citizens. Mayor de la Rosa called the meeting to order, a quorum was established and the following proceedings were held.

Howard Bloomquist, Senior Minister from Central Christian Fellowship of Weslaco gave the invocation. Mayor de la Rosa recited the Pledge of Allegiance and Mayor Pro-Tem Rodriguez recited 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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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. Special Meeting of February 26, 2010
 - 2. Regular Meeting of March 2, 2010

- B. Second and final reading of the following ordinances:
 - 1. Ordinance No. 2010-02 amending Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning of a 54.58 acre tract of land being the north 20.0 acres of Farm Tract 713 and all of Farm Tract 714, West and Adams Tracts Subdivision, out of Llano Grande Grant, also being Lots 1 through 13, Midway Meadows, from "R-1" Single Family Dwelling District to "R-3" Rural District. (Requested by Alfonso Quintanilla, P.E.). Possible action.

 - 2. Ordinance No. 2010-03 appointing Leonardo Olivares as City Manager of the City of Weslaco; establishing the salary of the City Manager; establishing duties and responsibilities as City Manager; declaring at will status of the Weslaco City Manager; and ordaining other matters with respect to the subject matter herein Possible action.

Commissioner Cuellar requested that Item B. 2 be removed from the consent agenda to discuss jointly with Item K. under New Business and possibly for discussion in executive session.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to approve the consent agenda with the exception of Ordinance No. 2010-03. Motion carried unanimously.

For the record, Ordinance No. 2010-02 reads as follows:

ORDINANCE NO. 2010-02

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF A 54.58 ACRE TRACT OF LAND BEING THE NORTH 20.0 ACRES OF FARM TRACT 713 AND ALL OF FARM TRACT 714, WEST AND ADAMS TRACTS SUBDIVISION, OUT OF LLANO GRANDE GRANT, ALSO BEING

LOTS 1 THROUGH 13, MIDWAY MEADOWS, FROM "R-1" SINGLE FAMILY DWELLING DISTRICT TO "R-3" RURAL DISTRICT.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 2nd day of March, 2010.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 16th day of March, 2010.

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

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.

Lazaro Cardenas, Jr., former City Commissioner and resident of 720 S. Missouri stated he was concerned with Item M under New Business regarding the privatization of the Sanitation Department. He added he was against this item and the city should request proposals. Mr. Cardenas suggested that this item be referred to the legal department for further review.

III. CITY MANAGER'S REPORT

A. City Manager's report: Financial Status, Departmental Update, Public Relations, Regional Transportation Projects.

Mr. Leonardo Olivares, City Manager stated one of the major issues was the bond rating for the city. He added staff had been working with Ann Burger, Financial Advisor and she had identified some policy issues such as transfers from the Enterprise Fund to the General Fund. Mr. Olivares stated Mrs. Burger had two separate policies for review. He mentioned there were issues with three lift stations that were in great need of repairs. Mr. Olivares pointed out staff had submitted paperwork to the Texas Water Development Board for funding and had contacted Congressman Ruben Hinojosa for his support to fund the larger projects. He stated another issue was the synchronization of the traffic signals and staff was working with the Texas Department of Transportation (TXDOT). Mr. Olivares added TXDOT would be providing a list to the city of the traffic signals and scheduling regular meetings with them to review and discuss projects of high priority.

Mayor Pro-Tem Rodriguez and Commissioner Rivera recommended that staff work with TXDOT to synchronize the traffic lights on Pike Blvd. and Texas Blvd. and Business 83.

Mr. Olivares stated staff would be looking at all of the traffic lights on FM 88 and Business 83.

IV. MAYOR'S REPORT

A. Status report on the U.S. Census Count Kick-off Celebration.

Mayor de la Rosa reported on the Census Night Out held Thursday, March 11, 2010. He stated the event was a big success and approximately 2,000 people had attended. Mayor de la Rosa stated the city's goal was to raise public awareness of the census to the community and encourage all citizens to participate. He added the census was very important because it would affect the city for the next ten years. Mayor de la Rosa thanked everybody that assisted in the planning and preparation of the event.

B. Announcement of the Energy Efficient Appliance Rebate Program administer through the Comptroller's State Energy Conservation Office (SECO).

Mayor de la Rosa stated the city had applied for funding to install solar panels. He added the application was in the review process and had passed the first level and was due for the second level.

C. Report on the inductees of the City of Weslaco and Weslaco Area Chamber of Commerce to the 2010 Rio Grande Valley Walk of Fame.

Mayor de la Rosa recognized Mr. Robert Vanderveer who was inducted to the Walk of Fame. He pointed out the Weslaco Area Chamber of Commerce had nominated Mr. Vanderveer. Mayor de la Rosa indicated that Mr. Vanderveer was the former administrator of Knapp Medical Center and a long time resident of Weslaco.

Mayor de la Rosa announced Mr. E. Richard Vaughan was nominated by the City of Weslaco and was also inducted to the Walk of Fame. He stated Mr. Vaughan was unable to attend the meeting to receive the brick and thanked him for his services.

V. BOARD APPOINTMENT

A. Ambulance Advisory Board – Two members needed to replace Robert Vega who was appointed on March 2, 2010 and former City Commissioner, Adrian Gonzalez. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to appoint Jimmy Cuellar and Commissioner Robert J. Garza.

Commissioner Tafolla stated Robert Vega had been appointed to replace Jimmy Cuellar and had gone through major surgery, but was willing to serve.

Commissioner Cuellar stated a letter was received that he did not want to serve.

Ramon Vela, City Attorney, stated Amanda C. Elizondo, City Secretary received correspondence that he did not want to serve.

Mayor de la Rosa stated the letter was addressed to Leonardo Olivares from Fire Chief, Arturo Avila. He mentioned a letter from Mr. Vega was required to accept his resignation.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to amend the motion to appoint only Commissioner Robert J. Garza to the Ambulance Advisory Board. Motion carried unanimously.

VI. OLD BUSINESS

- A. Discussion and consideration to authorize the City of Weslaco to make available the 125 Cafeteria Plan Services and Voluntary Insurance Products to Weslaco City Employees through payroll deduction at no cost to the City of Weslaco. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to award the following products to the following vendors:

<u>Products</u>	<u>Vendors</u>	<u>Agents</u>
Critical Illness	Allstate	Myriam Guerra
Group Voluntary Cancer	Allstate	Myriam Guerra
Heart/Stroke	Allstate	Myriam Guerra
Shop	Allstate	Myriam Guerra
Accident	Allstate	Myriam Guerra
Term Life	Allstate	Myriam Guerra
Universal Life	Allstate	Myriam Guerra
Dental	Humana	Kevin Bloomquist
Vision	Humana	Kevin Bloomquist
Disability – Long Term	Lincoln	Paul Garza
Disability – Short Term	Lincoln	Paul Garza
Long Term Care	New York Life	Aurora Saenz

Motion carried as follows: FOR: Mayor de la Rosa, Mayor Pro-Tem Rodriguez and Commissioner(s): Garza, Cuellar and Rivera. AGAINST: Commissioner(s): Kennedy and Tafolla.

VII. NEW BUSINESS

- A. Status report from Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco regarding economic activities. Possible action.

Hernan Gonzalez, Economic Development Director, reported the following.

1. J. C. Penney's / Lowe's / SDI - improvements to the first phase of the regional drainage pond was underway, this was a \$500,000.00 project. The project was under construction and was an addition of 30,000 square feet of retail space. Announcements of other retailers would be made soon.
 2. FedEx Ground - A feasibility study was underway for an expansion of the Weslaco facility; the company had outgrown the current space and was looking for land for a larger facility.
 3. Mountain Glacier / Ozarka - Ozarka was looking to expand and diversify the product offerings from the Weslaco location. The company would be adding a bottling plant. This meant additional investment and jobs creation.
 4. Texas Department of Public Safety Regional Headquarters - The final design of the DPS Regional Headquarters facility was being worked on and the contractor was on board. The construction project was estimated to be more than \$20,000,000.00 and would break ground in May, 2010.
 5. La Abuela Mexican Foods had added automated equipment; was looking to expand the facility and growth projection for the coming years.
 6. INB Building - The former INB Bank building was sold and currently was undergoing major renovations. RGV W.O.R.D. was the new owner and the plan was to relocate three related entities into the facility. This was a major step in keeping the central business district attractive and viable.
 7. Sales Tax - The sales tax for February was 7.43% increase over last year. The report period was for December 2009.
- B. Status report from Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce regarding chamber activities. Possible action.

Martha Noell, Executive Director stated they had been promoting the Texas Onion Fest and Dragonfly Days. She mentioned they encouraged people to visit the Nature Center and Estero Llano Grande State Park. Mrs. Noell stated they had launched a campaign for the EDC called (EDC Smart Move). She mentioned sponsorship had been good and the funds would be applied to the program. Mrs. Noell stated visitation was down this year. She concluded by stating that for this year they had added kids games for the Onion Fest.

- C. Discussion and consideration to accept a donation of a scoreboard, installation included, for the Weslaco Little League/Youth Football League to be installed at the Isaac D. Rodriguez Park sponsored by Weslaco Vision Source, Law Office of Fernando Saenz, AC-DC Signs and Extreme Car Audio and waive all fees associated with the installation. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Garza to accept the donation of the scoreboard and waive all fees on the installation.

Mr. Olivares recommended including the city's website address in the scoreboard for publicity.

Motion carried unanimously.

- D. Discussion and consideration of the following requests to use city facilities:
1. Traditionals Car Club to host their anniversary gathering at the Weslaco City Park to use two areas of the parking lot and Pavilion No. 24 to provide music, food and activities for the kids on Sunday, April 18, 2010 from 12:00 Noon to 6:00 p.m. and waive all fees associated with the event. Possible action.
 2. H.E.B. Grocery Warehouse and the Transportation Department to use all of the Isaac D. Rodriguez Park Area (Ball Fields, Service Center and Swimming Pool) to host their 3rd Annual Partner Picnic on Sunday, May 23, 2010 from 12:00 noon to 6:00 p.m. with the exception of the pool area from 12:00 noon to 5:00 p.m. with the assistance of the Parks and Recreation Department and waive all fees associated with the event. Possible action.
 3. Gustavo Garcia Voice Studio to use the Eugene A. Braught Memorial Auditorium to hold "A Concert of Beautiful and Timeless Melodies" on Saturday, March 27, 2010 from 1:00 p.m. to 4:00 p.m. with the assistance of the Library staff and waive all fees associated with the event. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Kennedy to approve Items D. 1 through 3 as presented and waive all fees associated with the events.

Mr. Olivares stated staff was not recommending the waiving of fees.

Motion carried unanimously.

- E. Request from the Weslaco Area Chamber of Commerce to place the Texas Rio Grande Valley Onion Festival Banner at the intersection of North Texas and Sgt. Garcia Street to promote the Onion Festival to be held on Saturday, March 27, 2010. Possible action.

Motion was made by Mayor Pro-Tem Rodriguez and seconded by Commissioner Tafolla to approve the item as presented. Motion carried unanimously.

- F. Request from the Weslaco 2010 U.S. Census Committee to place the U.S. Census Banner on 118 North Texas Blvd to promote the Weslaco 2010 U.S. Census. Possible action.

Motion was made by Commissioner Garza and seconded by Mayor Pro-Tem Rodriguez to approve the item as presented. Motion carried unanimously.

- G. Discussion and consideration to extend the term of the current Cafeteria Plan 125 Policies until a new Cafeteria Plan is made available to the City of Weslaco Employees at no cost to the city. Possible action.

Mayor de la Rosa announced no action was required on this item.

- H. Discussion and consideration to award the purchase of One (1) 2006 or Newer Motor Home in the amount of \$66,129.00 to be used as a command post unit for the Police Department to the lowest responsible bidder, Ron Hoover RV & Marine from Donna, Texas. Possible action.

Motion was made by Commissioner Garza and seconded by Mayor Pro-Tem Rodriguez to award the purchase of the motor home for \$66,129.00 to Ron Hoover RV & Marine from Donna, Texas. Motion carried unanimously.

- I. Discussion and consideration to approve the submission of a Broadband Technology Opportunity Grant (BTOP) Application to the National Telecommunication and Information Administration (NTIA) for the purpose of deploying a broadband service to the under serve areas, enhance broadband services, job enhancement, and construct, acquire or lease new facility and authorize the Mayor to execute the grant application and any other related documents. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to approve the submission of the Broadband Technology Opportunity Grant and authorize the Mayor to execute the grant application and any other related documents. Motion carried unanimously.

- J. Discussion and consideration to approve an Interlocal Agreement between the City of Weslaco and the Weslaco Independent School District to hold the Joint General Election of May 8, 2010 to share common polling places, common ballot and expenses and authorize the Mayor to execute the agreement. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approve the Interlocal Agreement and authorize the Mayor to execute the agreement. Motion carried unanimously.

- K. Discussion and consideration to approve the agreement between the City of Weslaco and Mr. Leonardo Olivares, City Manager for professional services and employment as City Manager and authorize the Mayor to execute the agreement. Possible action.

Commissioner Cuellar requested that this item be discussed in executive session.

- L. Discussion and consideration to set a date and time to hold a workshop to discuss the privatization of the solid waste collection for the City of Weslaco as agreed by consensus of the Weslaco City Commission on May 5, 2009. (This item was requested by Mayor Buddy de la Rosa). Possible action.

Motion was made by Commissioner Tafolla and seconded by Mayor Pro-Tem Rodriguez to schedule a workshop to discuss the privatization of the solid waste collection. Motion carried as follows: FOR: Mayor de la Rosa, Mayor Pro-Tem Rodriguez and Commissioner(s): Tafolla, Kennedy and Rivera. Against: Commissioner(s): Cuellar and Garza.

- M. Discussion and consideration to amend the existing contract with BFI Waste Services of Texas L.P. dba Allied Waste Services of Rio Grande to include residential collection services. (This item was requested by Commissioners: Robert J. Garza and Lupe Rivera) Possible action.

Commissioner Cuellar stated this was the same agreement presented to the City Commission a year ago and BFI had maintained the same cost to the public. He mentioned the city paid approximately \$200,000.00 to maintain the operation of the solid waste collection on an annual basis. Commissioner Cuellar stated if the city approved the amendment it would keep the city from purchasing equipment and there would be less complaints from the public due to down time for equipment repairs.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to approve the item as presented.

Mayor Pro-Tem Rodriguez stated he was concerned regarding the employees.

Commissioner Cuellar responded he understood that Allied Waste had agreed to pick up the employees at whatever rate the salaries were.

Jon Dick, General Manager of Allied Waste stated they would qualify the employees according to their hiring requirements. He added their salary and benefits would be better and the drivers would be hired through the La Feria Office.

Commissioner Garza stated Mr. Olivares and Mr. Vela had reviewed the BFI employment guidelines and the employees' concerns and it seemed that they would pass the guidelines.

Commissioner Cuellar stated the employees could stay in the Weslaco area.

Commissioner Tafolla asked if there was a guarantee that the employees would stay in Weslaco.

Mr. Olivares stated this issue had been discussed since last year and currently the city was providing the service. He mentioned the numbers had to add up and the vendor needed to be well qualified. Mr. Olivares recommended that he and Mr. Vela be allowed to meet with Allied Waste to further review the numbers.

Mayor Pro-Tem Rodriguez recommended tabling the item and holding a workshop with the Finance Director, Sanitation employees, City Manager and B.F.I. and present all the necessary information to them so that they could make a good decision. He added there were some employees who had over 20 years of service with the city and was concerned what would happen to them if they did not pass the qualifications.

Omar Gonzales, Finance Director, stated seventeen employees would be affected, but the major impact would be the \$700,000.00 transfer from the Sanitation Fund to the General Fund. He indicated \$700,000.00 would be wiped out and the worst case scenario would be 1.3 million dollars in revenues.

Mayor de la Rosa stated the collection and disposal of garbage was a service provided to the public. He referred to the Weslaco City Charter and stated the Sanitation Fund was an enterprise fund and the City Commission needed to be very careful about their physical responsibilities as required by the City Charter. Mayor de la Rosa mentioned \$700,000.00 was transferred from the Sanitation Fund to General Fund for administrative expenses and could not understand why some Commissioners would want to privatized the collection services and give up \$700,000 in profit for \$200,000. He pointed out if it was a win-win situation for the citizens and the city; he would be in favor of the item. Mayor de la Rosa mentioned in the last quarterly report for fiscal year 2009-2010 the Sanitation Fund had a profit of \$600,000.00 after paying its bonds. He concluded by stating the Sanitation Fund was bringing in one million dollars a year.

Commissioner Cuellar stated he was disappointed in the manner that Mr. Gonzales had given out the information and it seem like he was playing politics in regards to the garbage collection. He mentioned administration needed to be more responsible in not playing the politics. Commissioner Cuellar stated previously the city had presented certain figures to the citizens of Weslaco and staff had studied the proposal for a year. He added he was disappointed to hear that there were new recommendations that were not provided to them before.

Mayor de la Rosa stated the quarterly report was provided at a previous meeting indicating there was a \$600,000.00 profit in the Sanitation Fund. He referred to the minutes of May 5, 2009 and stated the item had been discussed at that time and the consensus of the City Commission was to hold a workshop.

Motion carried as follows: FOR: Commissioner(s): Cuellar, Rivera and Garza. AGAINST: Mayor de la Rosa, Mayor Pro-Tem Rodriguez and Commissioner(s): Kennedy and Tafolla.

Mayor de la Rosa announced the vote was 4-3.

VIII. EXECUTIVE SESSION

At 7:15 p.m., Tuesday, March 16, 2010, Mayor de la Rosa announced the City Commission would convene in executive session to discuss the following items and recessed the regular meeting.

At 7:45 p.m., Tuesday, March 16, 2010, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

For the record, Commissioner Tafolla requested to change his vote on the 125 Cafeteria Plan from AGAINST to FOR and Mayor de la Rosa stated the record would reflect Commissioner Tafolla's request.

For the record, Commissioner(s): Cuellar, Rivera and Garza left the meeting due to another commitment.

- A. Discussion with the City Attorney and City Manager regarding Docket No. CL-10-0616-A, Baudelio Castillo vs. City of Weslaco. Possible action of what is discussed in executive session.

Motion was made by Commissioner Kennedy and seconded by Commissioner Rivera to authorize the assign insurance defense counsel, Rick Navarro, to file an answer in Cause No. CL-10-0616-A styled Baudelio Castillo vs. City of Weslaco. Motion carried unanimously.

Mayor de la Rosa returned to Item I., 2 under the Consent Agenda and Item K. under New Business.

Motion was made by Commissioner Tafolla and seconded by Mayor Pro-Tem Rodriguez to approve Ordinance No. 2010-03 with all of the attachments. Motion carried unanimously.

For the record, Ordinance No. 2010-03 reads as follows:

ORDINANCE NO. 2010-03

AN ORDINANCE APPOINTING LEONARDO OLIVARES AS CITY MANAGER OF THE CITY OF WESLACO; ESTABLISHING THE SALARY OF THE CITY MANAGER; ESTABLISHING DUTIES AND RESPONSIBILITIES AS CITY MANAGER; DECLARING AT WILL STATUS OF THE WESLACO CITY MANAGER; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREIN.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 2nd day of March, 2010.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 16th day of March, 2010.

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

ADDENDUM ITEM:

I. NEW BUSINESS

- A. Discussion and consideration regarding the applicable statutes, City Charter and Ordinances, procedures and protocol for the Weslaco City Commission's agenda preparation by the Mayor, City Commissioners and City Manager. (This item was requested by Commissioners: John F. Cuellar and Lupe Rivera). Possible action.

Mayor de la Rosa stated Commissioner Cuellar and Commissioner Rivera had requested this item, but were not present to discuss it.

Motion was made by Commissioner Tafolla and seconded by Commissioner Kennedy to accept the addendum item.

Mayor de la Rosa asked why they were accepting the addendum item.

Commissioner Kennedy responded only for discussion.

Mayor de la Rosa stated Commissioner Cuellar and Commissioner Rivera were not present for the discussion.

Commissioner Tafolla and Commissioner Kennedy withdrew their motion.

There being no further business to discuss, Mayor de la Rosa adjourned the meeting.

CITY OF WESLACO

MAYOR, Buddy de la Rosa

ATTEST:

CITY SECRETARY, Amanda C. Elizondo

MAYOR PRO-TEM, Rene Rodríguez, Jr.

COMMISSIONER, Robert J. Garza

COMMISSIONER, J. F. "Johnny" Cuellar

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Patrick B. Kennedy