

App. 3/16/10

WESLACO CITY COMMISSION

REGULAR MEETING

MARCH 2, 2010

On this 2nd 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 |
| Commissioner | Robert J. Garza |
| Commissioner | J.F. "Johnny" Cuellar |
| Commissioner | Gerardo "Jerry" Tafolla |
| Commissioner | Lupe V. Rivera |
| Commissioner | Patrick B. Kennedy |
| Interim 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 and several other staff members and citizens. Mayor Pro-Tem Rene Rodriguez, Jr. was absent and Commissioners: Cuellar and Kennedy arrived a few minutes late. Mayor de la Rosa called the meeting to order, a quorum was established and the following proceedings were held.

Pastor Rene Vega, from Faith Church of Weslaco, gave the invocation. Mayor de la Rosa recited the Pledge of Allegiance and 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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 February 16, 2010

Motion was made by Commissioner Garza and seconded by Commissioner Rivera to approve the minutes as presented. Motion carried unanimously.

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.

III. PUBLIC HEARING

A. To discuss and consider a request to amend Zoning Ordinance No. 320 and amending the Zoning Map of the City of Weslaco to change the zoning of Lots 1 through 13, Midway Meadows, Weslaco, Texas also being 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 Tract Subdivision out of Llano Grande Grant, Hidalgo County, Texas from "R-1" One Family Dwelling District to "R-3" Rural District. First reading of Ordinance No. 2010-02. (Requested by Alfonso Quintanilla, P.E.). Possible action.

Mayor de la Rosa stated the following item was a public hearing and any one wishing to speak for or against it could do so after staff's presentation.

Bernard Rodriguez, Interim Planning Director, stated Midway Meadows Subdivision received plat and consensual annexation approval from the City Commission on August 5, 2008. He added that in reviewing the building permit it was discovered that the property was not correctly zoned for its' intended use of "R-3" Rural District Zone. Mr. Rodriguez pointed out the developer was requesting a variance as per Section 150-7 (2) on the lot size regulations to have livestock. He mentioned the minimum size of the lots in "R-3" was two acres and the variance was for Lot 3 which was 1.87 acres. Mr. Rodriguez stated the remaining lots were two acres or more in size. He indicated the notice of the application and public hearing for the Planning and Zoning Commission and the City Commission appeared in the Monitor Newspaper on February 1, 2010. Mr.

Rodriguez added on February 17, 2010, the Planning and Zoning Commission approved the request with the variance and staff was recommending approval of the same.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to close the public hearing. Motion carried unanimously.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to approve the zone change with the variance and adopt Ordinance No. 2010-02 on first reading. Motion carried unanimously.

Commissioner Cuellar requested to change the order of the agenda to discuss Item VII., M under New Business.

- M. Discussion and consideration of Ordinance No. 2010-03 to appoint 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. First reading of Ordinance No. 2010-03. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to approve Ordinance No. 2010-03 on first reading and include all attachments prepared by Ramon Vela, City Attorney, Mayor de la Rosa and Mr. Leonardo Olivares, Interim City Manager. Motion carried unanimously.

Mayor de la Rosa proceeded with the regular order of the agenda.

IV. CITY MANAGER'S REPORT

- A. Status report on the 2010 U.S. Census

Mary Lou Cavazos, Partner Specialist for the U.S. Census thanked the City Commission for establishing the Count Committee and stated they would be having the Census Night Out on March 11, 2010. She stated they would be delivering the forms in English and Spanish to inform the public of the census count. Ms. Cavazos mentioned they were proposing to visit the Nursing Homes and other facilities to set up questionnaire centers at different locations to assist the community in filling out the forms. Ms. Cavazos stated the forms were available on the census website and the questionnaires were due by April 1, 2010.

Discussion was held on the census and Mr. Olivares requested a schedule of dates and events. He pointed out everyone needed to be counted because of the effect it would have for the next ten years.

Mayor de la Rosa invited the public to the 2010 Census Night Out, Thursday, March 11, 2009 from 6:00 p.m. to 9:00 p.m. at the Weslaco City Hall Parking Lot located at 255 S. Kansas Avenue.

V. MAYOR'S REPORT

- A. Proclamation – proclaiming February 17, 2010 as “Miss Tyler Zimmerman’s Day.”

Mayor de la Rosa announced he had proclaimed February 17, 2010 as “Miss Tyler Zimmerman’s Day.” He read the proclamation and mentioned Ms. Zimmerman was named Ms. Weslaco and Ms. Queen Citriana for 2009-2010.

- B. Announcement of the grant award for the Command Post Unit for the Weslaco Police Department in the amount of \$66,179.98.

Mayor de la Rosa announced the city had been awarded a grant for \$66,179.98 to purchase a Command Post Unit for the Police Department from the Governor’s Office.

- C. Announcement of the County of Hidalgo Urban County Program Annual CDBG Event to be held on April 10, 2010 at the Delta Mercado in Edcouch, Texas.

Mayor de la Rosa announced the County of Hidalgo Urban County Program Annual CDBG Event was scheduled for April 10, 2010 at the Delta Mercado in Edcouch, Texas. He stated this was the city’s opportunity to place an information booth and requested that a city representative be authorized to attend and set up a booth.

Mayor de la Rosa announced that the city had lost a very dear person Juliana Alejandro Espinosa, who had celebrated her 111 years in 2009. He added she was the oldest woman in Texas, had over 300 grandchildren and the city had done a proclamation for her. Mayor de la Rosa stated this item was not on the agenda, but wished to make the announcement.

VI. BOARD APPOINTMENTS

- A. Board of Adjustments & Appeals to the Building Codes - One member’s term expires March 21, 2010. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to reappoint Pete Lerma to the Board of Adjustments & Appeals to the Building Codes. Motion carried unanimously.

- B. Ambulance Advisory Board - One member’s term expired February 6, 2010. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Kennedy to appoint Robert Vega to the Ambulance Advisory Board. Motion carried unanimously.

VII. NEW BUSINESS

A. Discussion and consideration of the following requests:

1. Texas Rio Writers to sell copies of the book Valley song, at their book presentation on Friday, March 5, 2010 at the Mayor Eugene A. Braught Memorial Theater with the assistance from the Library and waive all fees associated with the event. Possible action.
2. Weslaco Peter Piper Pizza to use the Weslaco Service Center on Sunday, March 14, 2010 for their Annual Employee Party and to waive all fees associated with the event. Possible action.
3. Weslaco Memorial Elementary School to use the Gibson Park for their 16th Annual Wellness Walk on Friday, March 5, 2010 with the assistance from the Parks and Recreation Department and waive all fees associated with the event. Possible action.

Motion was made by Commissioner Kennedy and seconded by Commissioner Tafolla to approve Items 1, 2 and 3 as presented. Motion carried unanimously.

B. Discussion and consideration to approve Resolution No. 2010-05 amending Resolution No. 96-26 by adding Alejandro Acosta, Senior Accountant as an authorized representative to the Texpool Participant Services. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to approve Resolution No. 2010-05 as presented. Motion carried unanimously.

For the record, Resolution No. 2010-05 reads as follows:

RESOLUTION NO. 2010-05

**RESOLUTION AMENDING
AUTHORIZED REPRESENTATIVES**

WHEREAS, City of Weslaco Location #77734 (“Participant”) is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool (“TexPool/ Texpool Prime”), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
- B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and
- C. That the Participant may by Amending Resolution signed by The Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

- 1. Name: Omar Gonzales Title: Finance Director
Signature: /s/ Omar Gonzales Phone Number: (956) 969-1534
- 2. Name: Alejandro Acosta Title: Senior Accountant
Signature: /s/ Alejandro Acosta Phone Number: (956) 973-3112
- 3. Name: _____ Title: _____
Signature: _____ Phone Number: _____
- 4. Name: _____ Title: _____
Signature: _____ Phone Number: _____

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name: Omar Gonzales Fax Number: (956) 968-6717
Email: ogonzales@weslacotx.gov

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name: _____ Title: _____

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the 2nd day March, 2010.

NAME OF PARTICIPANT: City of Weslaco
BY: /s/ Buddy de la Rosa

Signature
Buddy de la Rosa, R. Ph.
Printed Name
Mayor
Title

ATTEST: /s/ Amanda C. Elizondo
Signature
Amanda C. Elizondo
Printed Name
City Secretary
Title

This document supersedes all prior Authorized Representative designations.

APPROVED AS FORM: /s/ Ramon Vela
Signature
Ramon Vela
Printed Name
City Attorney
Title

ORIGINALS REQUIRED

- C. Discussion and consideration of Supplement Agreement No. 5 to the Engineering Agreement between the City of Weslaco and TEDSI Infrastructure Group for engineering services in the amount of \$24,750.00 to eliminate the raised medium for Westgate Drive between U.S. 83 and Sugarcane Road and authorize the Mayor to sign the agreement. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Cuellar to approve Supplement Agreement No. 5 as presented and authorize the Mayor to execute the agreement. Motion carried unanimously.

- D. Discussion and consideration to approve the following final subdivision plats:
1. Shayeen Corner Subdivision – being a 1.292 acre (56,280 square feet) tract being Lots 11 and 12, Block 113, Adams Tract Subdivision, Hidalgo County, Texas located along the south side of Camino Real Viejo Road and to the east of F.M. 1015. (Requested by Saul Ortega, JPO Enterprises.) Possible action.
 2. Weslaco Hills Subdivision – being a 8.348 acre tract of land, more or less, out of Farm Tract 633, West and Adams Tracts Subdivision, Hidalgo County, Texas located on the south side of Business 83 approximately 1,260 feet West of Westgate Drive. (Requested by Weslaco Hills Apartments) Possible action.
 3. La Paloma Estates Unit 1 – being a 32.45 acre tract of land out of Farm Tract 2011, North Capisallo District, Hidalgo County, Texas

located on the northeast corner of the intersection of Mile 2 West Road and Mile 12 ½ North Road. (Requested by Kyndel W. Bennett.) Possible action.

4. La Paloma Estates Unit 2 – being a 35.60 acre tract of land out of Farm Tract 2005, North Capihallo District, Hidalgo County, Texas located on the northeast corner of the intersection of Mile 2 West Road and Mile 12 ½ North Road. (Requested by Kyndel W. Bennett.) Possible action.
5. Klase Estates - being a 3.819 acre tract of land out of a portion of the south 5.00 acres of Farm Tract 659, West and Adams Tract Subdivision, Hidalgo County, Texas located on the southwest corner of the intersection of Mile 6 West Road and Bald Cypress Drive. (Requested by Michael Klase.) Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approve Items 1 through 5.

Mr. Rodriguez stated on Item 5, Klase Estates Subdivision the developer was requesting a variance due to the location of a drainage ditch. He mentioned that the city ordinance required a 75' right-of-way for larger ditches. Mr. Rodriguez pointed out the Planning and Zoning Commission had recommended a variance for a 50 feet right-of-way instead of a 75'. He recommended the approval of the subdivision with the variance.

Commissioner Cuellar and Commissioner Garza amended their motion to include the approval of the variance on the right-of-way from 75' to 50'.

Motion carried unanimously.

- E. Discussion and consideration to approve a budget amendment from the General Fund, Rental to CP&L Line Item to the Streetlight Line Item in the amount of \$40,000.00 for the installation of street lights. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Kennedy to approve the budget amendment as presented. Motion carried unanimously.

- F. Discussion and consideration to approve the AEP Contribution-in-Aid Agreements for street lighting at Plaza Los Encinos Subdivision and Expressway 83 Frontage and Garden Terrace Estates Subdivision as requested by area residents for a cost of \$29,855.25 and authorize the Mayor to sign the agreements. Possible action.

Motion was made by Commissioner Kennedy and seconded by Commissioner Cuellar to approve the AEP Contribution-in-Aid Agreements and authorize the Mayor to execute them. Motion carried unanimously.

- G. Discussion and consideration to include billing in the scope of services of the South Star Billing Contract in addition to the collection of the EMS delinquent accounts. Possible action

Motion was made by Commissioner Garza and seconded by Commissioner Cuellar to table the item. Motion carried unanimously.

- H. Discussion and consideration of the critical safe havens, an appendix to the City of Weslaco Sheltering Plan. Possible action. Attachment (This item was requested by Mayor Buddy de la Rosa)

Motion was made by Commissioner Cuellar and seconded by Commissioner Tafolla to approve the item.

George Garrett, Airport Director, stated no action was required because it was only an appendix.

Mayor de la Rosa stated he wanted for the City Commissioners to have a copy of the appendix because this document was part of the policy and procedures for the city and to protect the citizens during disasters.

Mr. Garrett stated a critical safe haven was not a shelter it was an area that was designated and recommended that the Weslaco Service Center be used as a critical safe havens with no shelter capabilities.

Mr. Olivares stated they were in the process of updating the plan and would provide a report to the City Commission at a later date.

- I. Discussion and consideration to enter into a Memorandum of Understanding (MOU) between the City of Brownsville and the City of Weslaco to accept from the City of Brownsville one Globafone (Satellite Phone) and Globafone Service Agreement for a period of one year pursuant to a Homeland Security Grant obtained by the City of Brownsville and authorize the Mayor to execute a service agreement with Globafone and other documents associated with accepting the Globafone for a period of two (2) years. Possible action.

Mr. Garrett stated the City of Brownsville had applied for a Homeland Security Grant in 2008 to purchase satellite phones. He added the purpose of this item was to authorize the City of Weslaco to accept from the City of Brownsville a Globafone Service Agreement for a period of one year at no cost to the City of Weslaco. Mr. Garrett stated thereafter the City of Weslaco would accept a two year service agreement at the city's cost.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to approve the Memorandum of Understanding and authorize the Mayor to execute the agreement. Motion carried unanimously.

- K. Discussion of the Interlocal Agreement between the City of Weslaco and the Weslaco Independent School District regarding the assignment of Weslaco Police Officers to the school district and discuss filling the positions of the assigned officers to the district. Possible action. (This item was requested by Mayor Buddy de la Rosa)

Mr. Olivares stated the City Commission previously voted to allow up to eight officers to provide police services at the school. He mentioned the program was working well and recommended the program to remain the same.

Mayor de la Rosa announced no action was required on this item and proceeded with the regular order of the agenda.

- J. Discussion and consideration to enter into a Memorandum of Understanding (MOU) between the Texas Forest Service and the City of Weslaco to authorize selected employees to become members of the Regional Incident Management Team and authorize the Mayor to execute all documents associated with the MOU. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Garza to approve the Memorandum of Understanding and authorize the Mayor to execute the agreement.

Mr. Garrett stated the city's representatives would consist of himself and Roy Jimenez from the Public Facilities Department.

Motion carried unanimously.

- L. Discussion and consideration to authorize the City of Weslaco's 125 Cafeteria Plan Services and Voluntary Insurance Products to city employees through payroll deduction at no cost to the city. Possible action.

Motion was made by Commissioner Cuellar and seconded by Commissioner Rivera to table the item to allow staff to make a recommendation. Motion carried unanimously.

VIII. EXECUTIVE SESSION

At 6:43 p.m., Tuesday, March 2, 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 6:47 p.m., Tuesday, March 2, 2010, Mayor de la Rosa announced the City Commission had completed its executive session and declared the regular meeting opened to the public.

- A. Personnel – To discuss the appointment of a City Manager for the City of Weslaco. Possible action of what is discussed in executive session.

Mayor de la Rosa announced the first reading of Ordinance No. 2010-03 appointing Mr. Leonardo Olivares had been approved earlier during the meeting.

- B. Land Acquisition – Discussion with the City Attorney regarding the acquisition of real property for utility purposes on FM 1015. Possible action of what is discussed in executive session.

Motion was made by Commissioner Garza and seconded by Commissioner Cuellar to authorize the City Attorney to offer Barbara Montano the market value for the 7,700 square feet tract of land out of Farm Tract 1019, West and Adams Tract Subdivision. Motion carried unanimously.

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

COMMISSIONER, Robert J. Garza

COMMISSIONER, J. F. “Johnny” Cuellar

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Patrick B. Kennedy