



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 2, 2012**

On this 2nd day of October 2012 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 with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. “Johnny” Cuellar
Commissioner	Olga M. Noriega
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Gloria Givilancz, Interim Finance Director; David Salinas, Public Utilities Director; Interim Police Chief Michael Kelly; Fire Chief Jimmy Cuellar; Martin Mata, Assistant Library Director; Erasmo Lozano, Interim Parks Director; and several other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Wise called the meeting to order and certified the public notice of the meeting as properly posted Friday, September 28, 2012.
- B. Invocation.
Father Martin de la Cruz from St. Joan of Arc Catholic Church delivered the invocation.
- C. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- D. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioner Garza.

II. PUBLIC HEARINGS

- A. To solicit comments on behalf of applicant Sonia De La Rosa to approve a Conditional Use Permit to obtain a Wine and Beer Retailer’s Off-Premise Permit at 703 E. Business Highway 83, also being the North 117’-Lot 9-H, 0.33 AC GR 0.277AC NET, Graham & Moore Subdivision, Weslaco, Hidalgo County, Texas.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to open public hearings concurrently for all items as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. To solicit comments on behalf of applicant Noemi Briseno to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 4020 N. Texas Blvd., also being a tract of land out of Farm Tract 110, Block 144, West Tract Subdivision, Weslaco, Hidalgo County, Texas.
- C. To solicit comments in compliance with the Consolidated Plan for Community Planning & Development (CDBG, HOME, ESG) with the Hidalgo County Precinct #1 on the Precinct's/City's needs under the 26th Urban County Program (Year 2013).

Mr. Richard Vaughan stated that in the past the City provided \$5,000.00 in funding to Aurora House, a hospice facility whose board members predominately hail from Weslaco. He requested any amount in support of its \$250,000.00 annual budget.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close public hearings concurrently for all items as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

III. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the following:
 - 1) Special Meeting of September 13, 2012;
 - 2) Regular Meeting of September 18, 2012;
 - 3) Special Meeting of September 20, 2012;(Requested by City Secretary's Office.) Attachment.
- C. Approval of the Interlocal Agreement with Purchasing Association of Cooperative Entities (PACE Co-Op) at no cost to the City for discounted software licensing from Adobe Systems, Inc. through third party software vendors and authorize the Mayor to execute any related documents. (Requested by Information Technology Department.) Attachment.
- D. Authorization of the solicitation and advertisement of Unleaded and Diesel Fuel bid for Fiscal Year 2012-2013. (Requested by Finance Department.) Attachment.

The Mayor requested item III. B. be withheld for discussion.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve items III. A 1, A 2, C, and D of the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

IV.

APPOINTMENTS

- A. Discussion and consideration to remove one member and approve Resolution 2012-64 appointing one member to that unexpired term on the Planning and Zoning Commission. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to remove Rolando Noriega and appoint Humberto Chavez.

The Mayor noted that Mr. Chavez was not present nor had submitted a letter to him or the City Secretary, violating the appointment procedure. The Commissioners subsequently recalled their motion.

There was no action on this item.

V.

NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of applicant Sonia De La Rosa to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 703 E. Business Highway 83, also being the North 117'-Lot 9-H, 0.33 AC GR 0.277AC NET, Graham & Moore Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

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

- B. Discussion and consideration after public hearing on behalf of applicant Noemi Briseno to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 4020 N. Texas Blvd., also being a tract of land out of Farm Tract 110, Block 144, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated notice was published and hearing held; Planning and Zoning Commission and staff recommend approval.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration on behalf of Dimas Martinez to approve the Final Plat of Mar y Sol Subdivision, being a 3.00 acre tract of land out of Farm Tract 118, West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated th notice was published and hearing held; Planning and Zoning Commission and staff recommend approval.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve the Election Services Contract with the Hidalgo County Elections Department to conduct the Joint City of Weslaco and Weslaco Independent School District General Election of November 6, 2012 pursuant to Texas Election Code Chapter 271, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Office of the City Secretary.) Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to approve the Professional Services Agreement payment from WW GIS, LLC for the Weslaco GIS Implementation project as described in "Exhibit A. Scope of Services" in the amount not to exceed \$65,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated this serves to update the mapping for the water and wastewater system by contracted professional services to be paid from the utilities account. Ms. Joanna Sanchez of WW GIS, LLC introduced herself, stating she previously had done the same work for the cities of McAllen and Pharr as well as the North Alamo Water Supply Corporation.

Commissioner Noriega expressed concern as the City did not go out to bid for these services; the City Manager stated that purchasing procedures had been followed as this is a professional services agreement.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried with Commissioner Noriega opposed (4-1); Mayor Wise was present, but not voting.

- F. Discussion and consideration to authorize an Interlocal Governmental Agreement with the Hidalgo County Emergency Services District No. 1 by which the City provides emergency ambulance service with not less than two ambulances to those areas of rural Hidalgo County within the established boundaries of the District and the District agrees to pay the City the sum of \$100,000.00 for the period October 1, 2012 through September 30, 2013, authorize a budget amendment as needed, and authorize the Mayor to execute any related documents. Possible action. (Requested by the Office of the City Manager.) Attachment.

The City Manager stated this serves to increase the annual payment from \$75,000.00 to \$100,000.00 with notice of future increases expected. By this agreement, the City extends emergency ambulance coverage is to non-residents of the County from the Rio Grande River to Mile 14 ½ North.

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

- B. Approval on Second and Final Reading of Ordinance 2012-13 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1725 S. Texas Blvd., also being the West 4.21 acres out of the East 5 acres of Farm Tract 675 and the South 9.07 acres of Farm Tract 679, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District” and authorize the Mayor to execute any related documents. (First reading held September 18, 2012; A three-fourths vote of the Commission is required to approve as over 20% of the property owners within 200 feet of the property protested as per §150-20(d) of the Weslaco Code of Ordinances; Requested by Planning & Code Enforcement Department.) Attachment.

Commissioner Noriega expressed concern as the ordinance regarding green space and design, which would serve to restrict this development, is not yet in place. The City Manager stated such restrictions may be placed in the plat notes, which require separate future action by the Commission.

In response to a question by the Mayor, Mr. Randy Summers stated the developer intends to make the aesthetic consistent with downtown, though he did not know offhand the ration of green space to asphalt or retention. Mr. Hans Hovda of 1310 S. Texas stated he feels the development would have a negative impact because he lived there thinking any development would be consistent with the residences from 12th to 18th streets. The City Manager reiterated this is a multi-million dollar development that should create 75-jobs; the Mayor Pro-Tem stated the plat may be as restrictive as the Commission desire.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried with Commissioner Noriega opposed (4-1), satisfying the three-fourths vote required; Mayor Wise was present, but not voting.

For the record Ordinance reads as follows:

ORDINANCE NO. 2012-13

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 1725 S. TEXAS BLVD., ALSO BEING 13.468 ACRES OF LAND OUT OF FARM TRACTS 675 AND 679, WESLACO, HIDALGO COUNTY, TEXAS, FROM “R-1 SINGLE FAMILY DWELLING DISTRICT” TO “B-1 NEIGHBORHOOD BUSINESS DISTRICT.”

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

SECTION I: To rezone from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District,” 13.468 acres of land out of Farm Tracts 675 and 679, also being 1725 S. Texas Blvd., Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 18th day of September, 2012.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 2nd day of October, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

VI. REPORTS

- A. Report by City Manager on Departmental Update, Financial Status, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.

The City Manager reported on progress by the Public Facilities Department at Hidden Valley subdivision and called attention to the general and special election on November 6.

Commissioner Noriega requested from the City Manager a report on the previously held special meeting as it was not televised per her request; Special Counsel Perez stated that the Mayor as presiding officer determines if comments constitute a personal attach and cautioned that such report had not been posted with this agenda.

VII. PUBLIC COMMENTS

Mr. Richard Vaughan believes the Commission should have sought bids on the GIS contract and it would be better to raise taxes than to continue to raise water rates. He also expressed his disappointment that the Chamber was dramatically cut from the budget without more notice.

VIII. EXECUTIVE SESSION

At 6:25 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:12 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Cause No. 2201-11-I Pascual Hernandez and Maria Luisa Hernandez v. The City of Weslaco, Texas pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- B. Pending Litigation – Discussion with City Attorney and Special Counsel regarding City of Weslaco v. Weslaco Municipal Police Union, as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- C. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the IAFF-WFFA Local 3207 as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- D. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Weslaco Municipal Police Association as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

X. ADJOURNMENT

With no other business before the Commission, Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to adjourn the October 2, 2012 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

CITY OF WESLACO

MAYOR, Miguel D. Wise

ATTEST:

CITY SECRETARY, Elizabeth M. Walker

MAYOR PRO-TEM, J.F. “Johnny” Cuellar

(absent)

COMMISSIONER, Robert J. Garza

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez