

App. 6/1/10

**WESLACO CITY COMMISSION**

**REGULAR MEETING**

**MAY 18, 2010**

On this 18<sup>th</sup> day of May, 2010 at 7:00 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.

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: Alex Acosta, Senior Accountant; Pete Garcia, Parks & Recreation Director; Gloria Sepulveda, Purchasing Director; Bernard Rodriguez, Interim Planning and Code Enforcement Director; and several staff members and citizens. Mayor de la Rosa was absent due to another commitment.

**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separately unless requested by one commission member or a citizen, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 May 4, 2010

B. Second and final reading of the following ordinances:

1. Ordinance No. 2010-06 amending Zoning Ordinance No. 320 and the Zoning Map of the City of Weslaco to change the zoning at 1621 Westmont Drive, Weslaco, Texas being Lot 24, Westgate Center Subdivision, Hidalgo County, Texas from "R-1" Single Family Dwelling District to "B-1" Neighborhood Business District. Possible action. (Requested by Norma Gonzalez)

2. Ordinance No. 2010-07 amending Zoning Ordinance No. 320 and the Zoning Map of the City of Weslaco to change the zoning at 606 N. Milano Road, Weslaco, Texas being a 1.00 acre tract of land out of Farm Tract 151, West Tract Subdivision, Hidalgo County, Texas from "R-1" Single Family Dwelling District to "B-2" Secondary and Highway District. Possible action. (Requested by Miguel Salinas)

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

For the record, the following ordinances read as follows:

ORDINANCE NO. 2010-06

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF LOT 24, WESTGATE CENTER SUBDIVISION, HIDALGO COUNTY, TEXAS, ALSO BEING 1621 WESTMONT DRIVE, WESLACO, TEXAS, FROM "R-1" SINGLE FAMILY DWELLING DISTRICT TO "B-1" NEIGHBORHOOD BUSINESS DISTRICT.

ORDINANCE NO. 2010-07

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF A 1.00 ACRE TRACT OF LAND OUT OF FARM TRACT 151, WEST TRACT SUBDIVISION, HIDALGO COUNTY, TEXAS, ALSO BEING 606 N. MILANOS ROAD, WESLACO, TEXAS, FROM "R-1" SINGLE FAMILY DWELLING DISTRICT TO "B-2" SECONDARY & HIGHWAY DISTRICT.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 4<sup>th</sup> day of May, 2010.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 18<sup>th</sup> day of May, 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.

There were no comments from the audience.

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

- A. City Manager's report: Financial Status, Departmental Update, Upcoming Meetings, Appointments and other items.
- B. Update report on the U.S. Census 2010.

Mr. Leonardo Olivares, City Manager stated staff was working with Ann Burger, Financial Advisor and Standard and Poor's representatives to appeal the city's bond rating. He mentioned staff would be starting the budget sessions within the next couple of weeks. Mr. Olivares reported that Police Chief Jose Perez had resigned and staff was in the process of conducting a search for a police chief. He added Robert de la Cerda was appointed as Interim Police Chief.

Mr. Olivares reported the city had done a very good job on promoting the 2010 Census. He pointed out the first phase of the census work was completed and Weslaco was at 67% and the next phase would continue until May 29<sup>th</sup>.

## **IV. MAYOR'S REPORT**

Mayor Pro-Tem Cuellar announced Mayor de la Rosa was not present to report on the following items.

- A. Announcement of a proclamation declaring May 10<sup>th</sup> through May 16, 2010 as National Police Memorial Week.
- B. Announcement of Resolution No. 2010-08 authorizing the filing of a grant application with the Lower Rio Grande Valley Development Council for a Regional Solid Waste Grant.

For the record, Resolution 2010-08 reads as follows:

### RESOLUTION NO. 2010-08

RESOLUTION OF THE CITY OF WESLACO AUTHORIZING THE FILING OF A GRANT APPLICATION WITH THE LOWER RIO GRANDE VALLEY DEVELOPMENT COUNCIL FOR A REGIONAL SOLID WASTE GRANTS PROGRAM; AUTHORIZING BUDDY DE LA ROSA, MAYOR TO ACT ON BEHALF OF THE CITY OF WESLACO IN ALL MATTERS RELATED TO THE APPLICATION; AND PLEDGING THAT IF A GRANT IS RECEIVED THE CITY OF WESLACO WILL COMPLY WITH THE GRANT REQUIREMENTS OF THE LRGVDC, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY AND THE STATE OF TEXAS.

WHEREAS, the LRGVDC is directed by the Texas Commission on Environmental Quality to administer solid waste grant funds for implementation the COG's adopted regional solid waste management plan; and

WHEREAS, CITY OF WESLACO in the State of Texas is qualified to apply for grant funds under the Request for Applications.

NOW, THEREFORE, BE IT RESOLVED BY CITY OF WESLACO IN WESLACO TEXAS;

1. That Buddy de la Rosa, is authorized to request grant funding under the LRGVDC Request for Applications of the Regional Solid Waste Grants Program and act on behalf of City of Weslaco in all matters related to the grant application and any subsequent grant contract and grant project that may result.
2. That if the project is funded, City of Weslaco will comply with the grant requirements of the LRGVDC, Texas Commission on Environmental Quality and the State of Texas.
3. The grant funds and any grant-funded equipment or facilities will be used only for the purposes for which they are intended under the grant.
4. That activity will comply with and support the adopted regional and local solid waste management plans adopted for the geographical area in which the activities are performed.

PASSED AND APPROVED by the Weslaco City Commission in Weslaco, Texas on this 4<sup>th</sup> day of May, 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

## V. NEW BUSINESS

- A. Presentation by Garcia and Pena, Inc., regarding City of Weslaco's Audit for Fiscal Year 2008-2009 and acceptance of the audit. Possible action.

Mr. Olivares stated he was working with Manuel Garcia, City's Auditor on the Management Letter and no action was required at this time.

Mayor Pro-Tem Cuellar recommended that a meeting be held next week to discuss the audit.

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

Hernan Gonzalez, Economic Development Director, reported the following.

1. J. C. Penney's/Lowe's/SDI - The drainage work was completed and construction for T.J. Maxx Store was progressing well. Plans were being finalized for the opening of a national sporting goods store and Italian restaurant.
2. Texas Department of Public Safety Regional Headquarters - The groundbreaking ceremony was held on May 14, 2010. Construction of the \$23,000,000.00 Complex was expected to begin mid

May, 2010, with a completion date of June 30, 2011.

3. RGV W.O.R.D. – The first phase of the former bank building was occupied May 1, 2010 and the exterior work was 90% completed. Occupancy of the whole building was expected to be on June 1, 2010.
4. Idea Academy – This was a \$20 million dollar construction project to be located by Expressway 83. They were looking for a 20 acre site next to the Department of Public Safety east of Weslaco.
5. Gran Café de la Parroquia – The distribution center was located at the Industrial Park and would include a coffee shop and meeting place as part of their business plan.
6. L&W Supply – The company’s location was in the Industrial Park, Lot 7 and it consisted of 30,000 sq. ft., Becknell was a Chicago-based build-to-suit developer, a subsidiary of USG and construction was expected to start next week.
7. TEDC Board Training - Carlton Schwab, Executive Director of Texas Economic Development Council, provided training to the EDC Board on April 1, 2010 regarding sales tax corporations.
8. Sales Tax - The sales tax receipt for April was 4.18% ahead of last year.

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

- C. Discussion and consideration to amend the Sales Tax Refund Agreement between the City of Weslaco and SDI Weslaco Holdings, LLC to change the commencement date from January 1, 2011 to April 1, 2011 and the expiration date of December 31, 2020 to March 31, 2021 and authorize the Mayor to execute the amendment. Possible action.

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

- D. Discussion and consideration to approve the following requests:

1. Jesus Bautista, representative of Chuy’s Red Snapper Seafood Restaurant, located at 1501 N. Westgate Drive to sell wine and beer on premises. Possible action.

Motion was made by Commissioner Garza and seconded by Commissioner Tafolla to approve the request from Jesus Bautista, representative of Chuy’s Red Snapper Seafood Restaurant. Motion carried unanimously.

2. Juan Antonio Vallejo, representative of Tony’s Town & County Store, located at 1012 E. 18<sup>th</sup> Street to request a variance of the 1,000 feet of a public school to sell wine and beer off premises. Possible action.

Motion was made by Commissioner Rodriguez and seconded by Commissioner Tafolla to approve the request from Tony’s Town & County Store. Motion carried unanimously.

- E. Request by Rudy Lugo, resident of 763 N. Morgan Avenue to close Morgan Avenue from Pike Blvd. to Esplanada Street to hold a graduation block party on June 12, 2010 from 6:00 p.m. to 11:00 p.m. Possible action.

Motion was made by Commissioner Rivera and seconded by Commissioner Tafolla to approve the request from Rudy Lugo. Motion carried unanimously.

- F. Discussion and consideration to approve a budget amendment to the Intergovernmental Revenue Budget Line Item for the acceptance of \$66,129.00 from the Office of the Governor to off set the expenditure of the Mobile Command Post for the Weslaco Police Department. Possible action.

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

- G. Discussion and consideration to authorize the Mayor to sign the application and any related documents regarding the Reading Is Fundamental (RIF) Grant in the amount of \$4,235.00 to provide books and fund the Summer Reading Program and allow the Library to use \$1,210.00 to meet the local match requirement of the RIF's grant. Possible action.

Motion was made by Commissioner Tafolla and seconded by Commissioner Rodriguez to authorize the Mayor to execute the Reading Is Fundamental (RIF) Grant and any other related documents. Motion carried unanimously.

- H. Discussion and consideration to permit the installation of monitoring wells in the City of Weslaco's right-of-way in the Southeast corner of 8<sup>th</sup> Street and Bridge Avenue as per the Texas Commission on Environmental Quality (TCEQ) guidelines. Possible action.

Mr. Olivares stated the monitoring of the wells was a TCEQ requirement and permission was required from the city to install them in the city's right-of-way.

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

- I. Discussion and consideration of Ordinance No. 2010-09 amending Ordinance No. 2004-60 to exclude noncommercial specialty kitchens from compliance with Ordinance No. 2004-60; the Grease and the Grit Trap Ordinance. Possible action. (Requested by Mayor Buddy de la Rosa).

Mr. Olivares recommended taking no action to allow him to define the exempt noncommercial specialty kitchens.

- J. Discussion and consideration to direct staff to begin the formal annexation procedures to annex the following tracts: (Requested by Mayor Buddy de la Rosa).

1. Tract 799, a tract of land containing 33.46 acres of land, more or less, out of Block 166 out of the West and Adams subdivision as recorded in Volume 2, Page 34, Map Records in the Offices of Hidalgo County, Texas. Possible action.
2. Hacienda Estates Phase II, a subdivision containing 4.74 acres out of Farm Tract 800, Block 166, West and Adams subdivision as Recorded in Volume 2, Pages 34-37 at the Map Records of Hidalgo County, Texas. Possible action.

Mr. Olivares stated there were some sections of the city that were excluded and staff was reviewing all the areas within the city.

Mayor Pro-Tem Cuellar requested for Mr. Olivares to provide an estimate on the cost of services and recommended taking no action.

## **VI. EXECUTIVE SESSION**

- A. Land Acquisition – Discussion with City Manager regarding the acquisition of surplus property from Texas Department of Transportation. Possible action of what was discussed in executive session.

Motion was made by Commissioner Garza and seconded by Commissioner Rodriguez to direct the City Manager to notify The Texas Department of Transportation that the City of Weslaco was interest in purchasing a 50 foot by 263 foot by 74 foot right-of-way in front of Payne Ford-Mercury South East of Mile 4 ½ Road and U.S. Expressway 83 owned by The Texas Department of Transportation. Motion carried unanimously.

There being no further business to discuss, Mayor Pro-Tem Cuellar 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, Robert J. Garza**

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**COMMISSIONER, Rene Rodríguez, Jr.**

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**COMMISSIONER, Gerardo “Jerry” Tafolla**

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**COMMISSIONER, Lupe V. Rivera**

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**COMMISSIONER, Joe A. Martinez**