



**WESLACO CITY COMMISSION
REGULAR MEETING
MAY 17, 2011**

On this 17th day of May 2011 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 with the following members present:

Mayor	Miguel D. Wise
Mayor Pro-Tem	J.F. “Johnny” Cuellar
Commissioner	Rene Rodriguez, Jr.
Commissioner	Gerardo “Gerry” Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Commissioner-Elect Olga M. Noriega; Rey Garcia, IT Director; Bret Mann, Finance Director; David Salinas, Public Utilities Director; Oscar Garcia, Public Facilities Director; Griselda Martinez, Interim Human Resources Director; Police Chief Juan Sifuentes; Fire Marshal Jimmy Cuellar; Arnold Becho, Library Director; Jim Cathey, Parks Recreation Specialist; and several other staff members and citizens.

I. CALL TO ORDER

- A. Roll Call/Establish a Quorum.
Mayor Wise called the meeting to order. Elizabeth Walker, City Secretary, called the roll, noting Commissioner Garza as absent; a quorum was established.
- B. Certification of Public Notice.
Mayor Wise certified the public notice of the meeting as properly posted Saturday, May 14, 2011.
- C. Invocation.
Pastor Ismael “Mike” Ramos gave the invocation.
- D. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- E. Mayoral Proclamations.
The Mayor recognized Building Safety Month with a proclamation; he also recognized the public service of Commissioner Rene Rodriguez, Jr. with a plaque.

II. CONVENE AS LOCAL CANVASSING AUTHORITY

were duly posted and the election was conducted by the Hidalgo County Elections Administrator.

IT IS FURTHER FOUND DECLARED AND ORDERED that at said General Election of May 14, 2011 the following persons were elected subject to taking their Oath of Office:

Weslaco City Commissioner
District No. 2

John F. "Johnny" Cuellar

Weslaco City Commissioner
District No. 3

Olga Medrano Noriega

IT IS FURTHER FOUND AND DETERMINED that the results of the General Election of May 14, 2011, as canvassed and tabulated by the Weslaco City Commission sitting as the General Election Local Canvassing Authority, reflect the expressed desires of the persons that voted at said election.

IT IS FURTHER FOUND AND DETERMINED that in accordance with the laws of the Texas Election Code the City Secretary posted written notice of the date, place and subject of the meeting when this Resolution was considered, discussed and approved on the bulletin board located at City Hall, a place convenient and readily accessible to the general public and said notice having been so posted and remaining posted continuously for at least 72 hours proceeding the scheduled time of said meeting. A copy of the returns shall be attached to the minutes of this meeting and shall be made as part hereof for all intents and purposes.

PASSED AND APPROVED on this 17th day of May, 2011.

CITY OF WESLACO
/s/ Miguel D. Wise,
MAYOR and PRESIDING OFFICER OF THE
LOCAL CANVASSING AUTHORITY

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- C. Discussion and consideration to approve Resolution No. 2011-30 ordering a Special Run-off Election for a Single Member District of the City of Weslaco in accordance with Texas Election Code §2.025. Possible action. Attachment.

There was no action on this item.

- D. Conduct Oaths of Office and file Statements of Elected Officers. Attachment.

Commissioner Rodriguez thanked his supporters, especially his family, and congratulated Commissioner Noriega, saying he leaves his "district in good hands." Mr. Ruben Cardenas conducted the Oath of Office for Mayor Pro-Tem Cuellar; the Mayor conducted the Oath of Office for Commissioner Noriega. Both tendered their Statements of Elected Officers for public file; Commissioner Noriega then took her seat at the dais.

- E. Discussion and consideration to select a Mayor Pro-Tem. Possible action.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to select John F.

Cuellar as Mayor Pro-Tem for 2011-2012. The motion carried unanimously; Mayor Wise was present, but not voting.

F. Reception.

A light reception was held with the audience until 6:45 p.m.

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 Minutes of the Regular Meeting of May 3, 2011. Attachment.

B. Approval of a request to utilize Harlon Block Sports Complex for a charitable event involving a 5K/10K run/walk along with a 1 mile fun run/walk on Sunday, September 25, 2011 in order to raise money and awareness for childhood cancer in the Rio Grande Valley, authorize any street closures for public safety, authorize assistance from City departments as appropriate, and waive all fees associated with the event. Attachment.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve all items of the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

IV. APPOINTMENTS

A. Discussion and consideration to approve Resolution No. 2011-26 to appoint a member to the World Birding Center Inc. Board of Directors. Possible action. Attachment.

Following a presentation by Russell Fishback and Martha Garcia from Texas Parks & Wildlife on the Estero Llano Grande World Birding Center, Commissioner Noriega, seconded by Commissioner Martinez, moved to approve Resolution No. 2011-26 to appoint Erin D. Wise as a member to the World Birding Center Inc. Board of Directors. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Resolution No. 2011-26 reads as follows:

RESOLUTION NO. 2011-26

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WORLD BIRDING CENTER BOARD OF DIRECTORS

WHEREAS, the World Birding Center, a nonprofit corporation (hereinafter called "Corporation") organized under the Texas Non-Profit Corporation Act (Hereinafter called the "Act"); and

WHEREAS, The Board of Directors shall be composed of thirteen (13) Directors as appointed by participating municipalities and other entities; and

WHEREAS, persons serving as Directors on the Board shall serve three (3) year terms with a maximum of two (2) full consecutive terms; and

WHEREAS, the Directors shall not receive salaries for their services; however, the Executive Board of Director shall receive a salary as determined by the Board of Directors; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Erin D. Wise is appointed to serve a three (3) year term on the World Birding Center Board of Directors as a representative of the City of Weslaco and the term will begin on May 17, 2011 and expire on May 17, 2014.

PASSED AND APPROVED on this 17th day of May 2011.

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

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

V. NEW BUSINESS

- A. Discussion and consideration to authorize staff to issue a Request for Proposals for the purchase of an excavator; to negotiate an interlocal agreement with County of Hidalgo, Precinct 1 and/or Hidalgo County Drainage District No. 1 and/or Hidalgo and Cameron County Irrigation District No. 9 for the lease/use of an excavator; and, to issue a Request for Proposals for the lease of an excavator. Possible action. (Item as requested by Commissioners Tafolla and Rodriguez. There was no action on this item April 19, 2011.) Attachment.

Mr. Oscar Garcia stated that through an interlocal agreement, it is the City's responsibility to maintain the canals; a 55-foot excavator is needed to maintain the depth of certain local canals. The City Manager stated estimates indicated a cost of \$11,415.00 to rent an excavator for four weeks in order address critical areas until the budget could incorporate acquisition. Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to authorize staff to enter into an interlocal or lease agreement for use of an excavator. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to authorize the submission of a grant application to the U.S. Department of Justice Community Oriented Policing Services (COPS) Hiring Program, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated this is a 100% grant to hire three police officers for three years; the Mayor cautioned that not all grants are free money. The Mayor Pro-Tem requested a plan of action to retain the officers beyond year four. Commissioner Martinez, seconded by Commissioner Rivera, moved to authorize the submission of a grant application to the U.S. Department of Justice Community Oriented Policing Services (COPS) Hiring Program, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to authorize use of Federal Equitable Sharing funds in an

amount not to exceed \$7,200.00 for software licenses renewals, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to authorize use of Federal Equitable Sharing funds in an amount not to exceed \$7,200.00 for software licenses renewals, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to authorize the Weslaco Public Library to reapply and renew the Reading Is Fundamental (RIF) grant for 2011-2012 with Weslaco East High School, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to authorize the Weslaco Public Library to reapply and renew the Reading Is Fundamental (RIF) grant for 2011-2012 with Weslaco East High School, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to approve the Cooperation Agreement with the County of Hidalgo for years twenty-five, twenty-six, and twenty-seven of Community Development Block Grant funding, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the Cooperation Agreement with the County of Hidalgo for years twenty-five, twenty-six, and twenty-seven of Community Development Block Grant funding, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to award the bid contract for the Water Treatment Plant Generator Bid No. 2010-11-08 to the best qualified, most advantageous bidder in an amount not to exceed \$242,000.00 and to authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, to award the bid contract for the Water Treatment Plant Generator Bid No. 2010-11-08 to Division 16 as the best qualified, most advantageous bidder in an amount not to exceed \$242,000.00 and to authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to approve the locations as recommended by the Lower Rio Grande Valley Development Council (LRGVDC) for the installation and maintenance of eight (8) bus shelters to be used by passengers on the bus system operated by the LRGVDC, authorize the dedication and/or acquisition of land for installation of the bus shelters, authorize a budget amendment as appropriate, and authorize the Mayor to

execute any related documents. Possible action. (Memorandum of Understanding with LRGVDC for this project approved February 15, 2011.) Attachment.

Commissioner Martinez, seconded by Commissioner Rivera, moved to approve the locations as recommended by the Lower Rio Grande Valley Development Council (LRGVDC) for the installation and maintenance of eight (8) bus shelters to be used by passengers on the bus system operated by the LRGVDC, authorize the dedication and/or acquisition of land for installation of the bus shelters, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- H. Discussion and consideration to approve Resolution 2011-28 authorizing review of the Cost of Service Adjustment (COSA) filing by Texas Gas Service Company (TGS), a division of ONEOK, Inc. effective August 1, 2011, hiring legal and consulting services to negotiate with TGS, and requiring TGS to reimburse all reasonable costs associated with a joint review of this application with other cities. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve Resolution 2011-28 authorizing review of the Cost of Service Adjustment (COSA) filing by Texas Gas Service Company (TGS), a division of ONEOK, Inc. effective August 1, 2011, hiring legal and consulting services to negotiate with TGS, and requiring TGS to reimburse all reasonable costs associated with a joint review of this application with other cities. The motion carried unanimously; Mayor Wise was present, but not voting.

- I. Discussion and consideration to approve the agreement with BMI for music licensing and authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve the agreement with BMI for music licensing and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- J. Discussion and consideration to authorize the issuance and sale of the Economic Development Corporation of Weslaco Sales Tax Revenue Refunding Bonds, Taxable Series 2011A, adopt Resolution 2011-22 relating thereto, and authorize the Mayor to execute any related documents. Possible action. Attachment.

This item was considered concurrently with Item K.

- K. Discussion and consideration to authorize the issuance and sale of the Economic Development Corporation of Weslaco Sales Tax Revenue Bonds, Series 2011B, adopt Resolution 2011-23 relating thereto, and authorize the Mayor to execute any related documents, including the Financing/Use Agreement. Possible action. Attachment.

Reporting concurrently on Items J and K, Mr. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, stated both items are in response to turning over the present Business and Visitors' Center to the Lower Rio Grande Valley Development Council; one bond must be converted to a taxable bond, the other is a new bond to renovate the south portion of City Hall for the future use as the new Business

and Visitors' Center. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve Items J and K as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

L. Status reports:

1. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco, regarding monthly economic development activities. Attachment.

Mr. Gonzalez reported on the impromptu trip to Veracruz, Mexico, to be part of the inaugural international flight into the Weslaco Mid-Valley Airport. He also reported on the opening of Olive Garden and the slated openings of Petco and Elsa State Bank. He stated a new weekly column will appear in the Mid Valley Town Crier, titled "Weslaco Advantage." He recounted the reception for Gene Powell, hosted at City Hall, recognizing the Weslaco native and recently-appointed Chairman of the University of Texas Board of Regents.

2. Martha Noell, Executive Director of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.

Ms. Noell reported on heightened advertising surrounding Semana Santa and anticipation of advertising the landing rights airport, including the possible logo design. She also reported on a survey in which the Chamber is participating through the South Texas Nature Coop, the Mid-Valley Leadership program, and the Candidates' Forum.

3. Luis Contreras, Executive Director of the Weslaco Museum, on quarterly activities.

Mr. Contreras reported on recent cross-promotional programming and the unveiling of a new logo. There were 630 visitors in second quarter of the fiscal year; upcoming programs include features on Illustrators 52 and Carlos Aguilar's bronze series.

VI. CITY MANAGER'S REPORT

- A. Report on Financial Status, Departmental Update, Upcoming Meetings and Appointments.
- B. Report on installation of restrooms at La Placita Park.
- C. Report on rerouting of water line at the Water Treatment Plant.
- D. Report on Sugar Cane Road improvements.
- E. Report on the grand opening of the U.S. Customs and Border Protection (CBP) Federal Inspection Service (FIS) general aviation processing center at Weslaco Mid-Valley Airport, with first international flight cleared.
- F. Report on recommendations by Traffic Safety Committee. Attachment.
- G. Report on Sponsored Projects.

Reporting on all items concurrently, the City Manager reported that restrooms will be built with internal labor and progress is being made to address the choke-point at the Water Treatment Plant. He also reported on very positive publicity at the first

international flight from Veracruz and presented the traffic safety report since that committee recently convened.

VII. PUBLIC COMMENTS

There were no public comments received.

VIII. EXECUTIVE SESSION

- A. Pending Litigation – Discussion with City Attorney regarding CL-11-1302-E, Rene Rodriguez, Jr. & Ricardo Quintanilla, Plaintiffs v. City of Weslaco & Olga Medrano Noriega in her Official Capacity as Candidate for Weslaco City Commission, Defendants pursuant to §551.071 of the Texas Government Code.

Commissioner Martinez, seconded by Commissioner Rivera, moved to ratify the actions of the City Manager and City Attorney to retain Garza & Pena as special counsel in CL-11-1302-E, *Rene Rodriguez, Jr. & Ricardo Quintanilla, Plaintiffs v. City of Weslaco & Olga Medrano Noriega in her Official Capacity as Candidate for Weslaco City Commission, Defendants*. The motion carried unanimously; Mayor Wise was present, but not voting.

IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

Executive Session was not held; discussion and action transpired entirely in Open Session.

X. ADJOURNMENT

With no other business before the Commission, at 8:08 p.m. Commissioner Tafolla, seconded by Commissioner Martinez, moved to adjourn the May 17, 2011 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 “Gerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez