



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
JUNE 21, 2011**

On this 21st day of June 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	Robert J. Garza
Commissioner	Olga M. Noriega
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: Rey Garcia, IT Director; Sonia Flores, Assistant 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; Joe Pedraza, Planning & Code Enforcement; Arnold Becho, Library Director; Martin Mata, Assistant Library Director; Lupe Garcia, Parks & Recreation Director; Elvia Rios, Sponsored Projects Manager; 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; a quorum was established.
- B. Certification of Public Notice.  
Mayor Wise certified the public notice of the meeting as properly posted Friday, June 17, 2011.
- C. Invocation.  
Mr. Howard Bloomquist, Senior Minister at Central Christian fellowship, gave the invocation.
- D. Pledge of Allegiance.  
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- E. Mayoral Proclamations.  
The Mayor recognized Mr. Lupe Garcia, City of Weslaco Parks & Recreation Department; Mr. Martin Hagne, Valley Nature Center; Mr. Kyle O'Haver, Estero Llano Grande World Birding Center; and Ms. Sarah Williams, Frontera Audubon Society in

celebration of Great Outdoors Month.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to consider item V. J. 1. out of its posted sequence for immediate discussion. The motion carried unanimously; Mayor Wise was present, but not voting.

V. J. Status Reports:

1. Commissioner Joel Quintanilla, Hidalgo County Precinct One, regarding local projects. (Item as requested by the Mayor.)

Commissioner Quintanilla, accompanied by Mr. Jeff Riviera, stated that Hidalgo County Precinct One is poised to assist with various local infrastructure projects, in which the Precinct provides the labor and equipment and the City provides the material. He recommended an interlocal agreement between the parties; Commissioner Tafolla recommended the Weslaco Independent School District also participate in the interlocal agreement since that entity similarly is affected.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to consider item VI. C. out of its posted sequence for immediate discussion. The motion carried unanimously; Mayor Wise was present, but not voting.

VI. C. Report on drainage ditch maintenance with excavator.

Mr. Oscar Garcia, Public Facilities Director, delivered a PowerPoint presentation, showing the recent progress on drainage ditch maintenance, including removed impediments and installed gate in the vicinity of McCoys and installed crosswalk in Las Brisas subdivision. Commissioner Martinez commended the School District for its collaboration.

**II. 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 June 7, 2011. Attachment.

B. Approval on Second Reading of Ordinance 2011-06 to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone a tract of land containing 0.496 of one acre out of Farm Tract 751, West and Adams Tract Subdivision, Hidalgo County, Texas, also being 410 E. 18<sup>th</sup> Street, from "R-1 Single Family Dwelling District" to "R-2 Duplex and Apartment District." Attachment.

C. Approval of Resolution No. 2011-38 to identify the current City Commissioners and other appropriate staff as authorized signatories for legal, financial documents with First National Bank and authorize the execution of any related documents by members of the Commission. Attachment.

- D. Approval of the request to close Texas Boulevard/FM 88 from 4th to 5th Streets from 6:00 p.m. to 10:00 p.m. on July 21, 2011 for a special event coordinated by the Economic Development Corporation of Weslaco, authorizing the sale of wine and beer by a Texas Alcoholic Beverage licensed vendor, waiving any fees or ordinances associated, and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. Attachment.
- E. Approval of request to authorize staff to solicit proposals for an on-line payment portal and Interactive Voice Response (IVR). Attachment.
- F. Approval of the Memorandum of Understanding (MOU) with Johnson Controls Inc. authorizing a preliminary assessment of City facilities for energy and operational costs reduction at no expense to the City and authorize the Mayor to execute any related documents. Attachment.
- G. Approval of request to authorize Municipal Court Technology Funds for an upgrade in the criminal court case management system in an amount not to exceed \$4,000.00 and authorize a budget amendment as appropriate. Attachment.
- H. Approval of request to authorize Municipal Court Technology Funds for various equipment and supplies, including Acu Corp Run Time software, Court Case Management software, Police Interface to Court module, Espon TM-U950P Receipt Printer, and Media Plus Automated Cash Drawer in a total amount not to exceed \$7,890.20 and authorize a budget amendment as appropriate. Attachment.
- I. Approval of request to authorize Municipal Court Technology Funds for the acquisition of five (5) computers in an amount not to exceed \$5,300.00 and authorize a budget amendment as appropriate. Attachment.

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

For the record, Ordinance 2011-06 reads as follows:



this resolution are hereby ratified, approved and confirmed.

- (d) Any of the persons named below, so long as they act in a representative capacity as agents of the City of Weslaco, are authorized to make any and all other contracts, agreements, stipulations and orders which they may deem advisable for the effective exercise of the powers indicated below, from time to time with this financial institution, concerning funds deposited in this financial institution, moneys borrowed from this financial institution or any other business transacted by and between the City of Weslaco and this financial institution subject to any restrictions stated below.
- (e) Any and all prior resolutions adopted by the City Commission of the City of Weslaco and certified to this Financial Institution as governing the operations of the City of Weslaco's account(s), are in full force and effect, unless supplemented or modified by this authorization.
- (f) The City of Weslaco agrees to the terms and conditions of any account agreement, properly opened by any authorized representative(s) of the City of Weslaco, and authorizes the financial institution named above, at anytime, to charge the City of Weslaco for all checks, drafts, or other orders, for the payment of money, that are properly drawn on this financial institution, and contain the required number of signatures for this purpose.

3. The officials designated below are authorized to conduct business as indicated:

	Name and Title	Signature
(A)	Miguel D. Wise, Mayor	_____
(B)	John F. Cuellar, Mayor Pro-Tem	_____
(C)	Robert J. Garza, Commissioner	_____
(D)	Olga M. Noriega, Commissioner	_____
(E)	Gerardo Tafolla, Commissioner	_____
(F)	Lupe Rivera, Commissioner	_____
(G)	Joe A. Martinez, Commissioner	_____
(H)	Leonardo Olivares, City Manager	_____
(I)	Elizabeth M. Walker, City Secretary	_____
(J)	Bret L. Mann, Finance Director	_____
(K)	Sonia Flores, Asst. Finance Director	_____

**Indicate A, B, C, D and/or E**

- A – H (1) Exercise all of the powers listed (2) through (9)
- A – H (2) Open any deposit or checking account(s) in the name of the City of Weslaco
- A – H (3) Endorse checks and orders for the payment of money and withdraw funds on deposit with this financial institution.  
Number of authorized signatures required for this purpose 2.  
Number of authorized signatures required for payroll purpose 1.
- A – H (4) Open any certificate of deposit account and withdraw or transfer funds from the certificate of deposit on deposit with this financial institution.  
Number of authorized signatures required for this purpose 2.
- A – H (5) Transfer funds from operations account to the payroll account, investment account or paying agent approved by City Commission by telefax or other

electronic means.

Number of authorized signatures required for this purpose 1.

A – H (6) Borrow money on behalf and in the name of the City of Weslaco executes and delivers promissory notes or other evidences of indebtedness.  
Number of authorized signatures required for this purpose 2.

A – H (7) Endorse, assign, transfer, mortgage or pledge bills receivable, warehouse receipts, bills of lading, stocks, bonds, real estate or other property now owned or hereafter owned or acquired by the City of Weslaco as security for sums borrowed and to discount the same, unconditionally guarantee payment of all bills received, negotiated or discounted and to waive demand, presentment, protest, notice of protest and notice of non-payment.  
Number of authorized signatures required for this purpose 1.

A – H (8) Enter into written lease for the purpose of renting and maintaining a Safe Deposit Box in this financial institution.  
Number of authorized signatures required to gain access and to terminate the lease 1.

A – K (9) Authorized to make inquiries as to status, account balance pertaining to the City of Weslaco.

4. I further certify that the City Commission of the City of Weslaco has, and at the time of adoption of this resolution had, full power and lawful authority to adopt the foregoing resolutions and to confer the power granted to the persons named who have full power and lawful authority to exercise the same.

In Witness Whereof, I have hereunto subscribed my name and affixed the seal of this Corporation on June 21, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

Commissioner Noriega, seconded by Commissioner Martinez, moved to consider item VII. out of its posted sequence. The motion carried unanimously; Mayor Wise was present, but not voting.

## **VII. PUBLIC COMMENTS**

Mr. Carlos Guerra of 1205 W. 4<sup>th</sup> Street expressed support for drainage ditch maintenance and concern for the inadequate staffing at the recycling facility.

Mr. Glenn Housley of 1015 Valley View Drive expressed support for maintaining the current name of the Porter Doss Memorial Public Library.

Ms. Loretta Barbee of 1204 South Border Avenue #624 expressed support for maintaining the current name of the Porter Doss Memorial Public Library.

Ms. Fran Isbell of 706 S. Ohio expressed support for maintaining the current name of the Porter Doss Memorial Public Library.

## **III. APPOINTMENTS**

- A. Discussion and consideration to approve Resolution No. 2011-31 and Resolution No. 2011-32 to appoint two (2) members to the Planning & Zoning Commission. Possible action. (Item as requested by the Mayor.) Attachment.

The City Manager stated two terms expire July 1, 2011. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to table the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

#### IV. OLD BUSINESS

- A. Discussion and consideration to ratify the Professional Services Agreement with Cruz-Hogan Consulting Engineers for engineering services related to the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program for the Flood Drainage Improvement Project at the Las Brisas del Oro Subdivision in an amount not to exceed an amount of \$155,000.00. Possible action. (Cruz-Hogan designated as project engineer by Commission action on April 5, 2011.) Attachment.

The City Manager stated he needed to check federal procurement guidance to ensure compliance. There was no action on this item.

- B. Discussion and consideration on Second Reading of Ordinance 2011-05 to amend Ordinance No. 2009-18 to establish that regular and special meetings of the Weslaco City Commission shall convene at 5:30 p.m. Possible action. (This item was approved June 7, 2011 on First Reading; agenda placement requested by the Mayor as Old Business.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried as follows: For – Mayor Pro-Tem Cuellar, Commissioners Rivera, Garza and Tafolla; Against – Commissioner Noriega; Abstention - Commissioner Martinez (Vote 4 -1). Mayor Wise was present, but not voting.

For the record, Ordinance 2011-05 reads as follows:

##### **ORDINANCE NO. 2011-05**

**AN ORDINANCE AMENDING ORDINANCE NO. 2009-18 TO CHANGE THE CITY COMMISSION REGULAR AND SPECIAL MEETING TIMES FROM 6:00 P.M. TO 5:30 P.M.; TO PROVIDE FOR THE POSTING OF AGENDAS IN COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.**

##### **BE IT ORDAINED BY THE CITY COMMISSION THAT:**

Ordinance No. 2009-18, passed and approved by the Weslaco City Commission on June 16, 2009 is hereby amended to change the regular and special meeting times of the Weslaco City Commission to 5:30 p.m. so that after second and final reading said Ordinance shall read as follows:

##### **A. AGENDA PREPARATION.**

1. The City Commission of the City of Weslaco shall meet on the first and third Tuesday of the month and shall, upon establishing a quorum, conduct the business of the City as may be legally posted in accordance to the Texas Open Meetings Act. The City Commission shall meet at the Weslaco City Hall located at 255 S. Kansas at 5:30 p.m. or at any other time and place as may be legally posted.

2. The City Commission shall conduct business at the meeting in accordance to “Roberts Rule of Order” and shall deliberate all items in public as a whole body in accordance with the Texas Open Meetings Act.
3. The business of the day shall be set by a legally posted agenda, such agenda having been prepared under the direction of the City Manager and posted by the City Secretary. The Mayor, any two (2) City Commissioners or the City Manager may submit agenda items for consideration by the City Commission. The agenda shall be posted in compliance with The Texas Open Meetings Act.
4. Special meetings may be held after being legally posted and may be called by the Mayor, any two (2) City Commissioners, or the City Manager. Special meetings shall be held when the business of the City is such that it can not wait for a regular meeting.
5. All ordinances, agreements, contracts, resolutions and other legal documents approved by the City Commission in a legally posted meeting shall be executed by the Mayor or Mayor Pro-Tem in the absence of the Mayor.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 7<sup>th</sup> day of June, 2011.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 21<sup>st</sup> day of June, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- C. Discussion and consideration to approve the Community Development Block Grant (CDBG) as amended to reflect specific reductions per project from 15.6% to 16.5% with the total budget reduction remaining \$61,001.00 as previously presented, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (This item was approved June 7, 2011.) Attachment.

The City Manager indicated this represents a technical correction to the figures provided by CDBG. Mayor Pro-Tem Cuellar, seconded by Commissioner Garza, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration on behalf of Xenon, Inc. and Senon Moya, President, to approve the Final Plat of the Re-Subdivision of La Plazita, Lot 4 also being La Plazita Phase II, a 3.967 Acre Tract of out of Farm Tract 1068, West and Adams Tract Subdivision, Hidalgo County, Texas, located on F.M. 1015 and Mile 10 ¼ North Road and authorize the Mayor to execute any related documents. Possible action. (This item was tabled June 7, 2011.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to remove the item from the table. The motion carried unanimously; Mayor Wise was present, but not voting.

The City Manager stated staff as well as Planning & Zoning Commission recommend approval without the variance as presented. Mayor Pro-Tem Cuellar, 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 a Professional Services Agreement with Cruz-Hogan Consulting Engineers, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (This item was tabled June 7, 2011.) Attachment.

There was no action on this item.

- F. Discussion and consideration to approve Ordinance 2011-04 amending Ordinance No. 2009-18 to provide that the agenda of a regular and/or special meeting of the Weslaco City Commission shall be posted not less than 102-hours prior to the scheduled meeting time as permitted by the Texas Open Meetings Act. First Reading of Ordinance 2011-04. Possible action. (There was no action on this item June 7, 2011; item as requested by the Mayor.) Attachment.

The City Manager stated that he intends to implement an administrative policy, posting the agendas for regular Commission meetings by noon on the preceding Friday. The Mayor withdrew his item from consideration. There was no action on this item.

V. **NEW BUSINESS**

- A. Announcement of the appointment of the Fire Chief and confirmation by the Weslaco City Commission pursuant to §143.013 of the Local Government Code. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to confirm the appointment by the City Manager of Mr. Santiago Cuellar as Fire Chief pursuant to §143.013 of the Local Government Code with an effective date of July 11, 2011. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration to adopt the City of Weslaco Investment Policy. Possible action. Attachment.

The City Manager stated the policy complies with state statute. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to approve crosswalk buttons on Eighth Street in front of Knapp Medical Center, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager requested that the City work with Knapp Medical Center on the cost share; the Mayor requested additional crosswalk buttons on Business 83 at Westgate Dr., Border Avenue, and Airport Drive. Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve installation of four (4) additional street lights at Expressway Heights subdivision by Magic Valley Electric Cooperative in an amount not to exceed \$1,158.57, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated that Traffic Safety Committee denied the request since some of the lights are proposed in alleys, violate spacing policies, and ten other lights have been added since November 2010. Commissioner Garza, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Discussion and consideration to update City of Weslaco building and safety codes as recommended in the 2006 International Code Congress:

1. To adopt the 2006 Edition of the International Building Code Property and Maintenance Standards for the regulation and governing of conditions and maintenance of all property, including the condemnation and demolition of structures unfit for human occupancy and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-07. Possible action. Attachment.

There was no action on this item.

2. To adopt the 2006 Edition of the International Existing Building Code for the regulation and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-08. Possible action. Attachment.

There was no action on this item.

3. To adopt the 2006 Edition of the International Residential Code for the regulation and governing of construction, replacements, repairs and demolition of detached one and two family dwellings and multiple single family dwellings; providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-09. Possible action. Attachment.

There was no action on this item.

4. To adopt the 2006 Edition of the International Energy Conservation Code for the regulation and governing of energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-10. Possible action. Attachment.

There was no action on this item.

5. To adopt the 2006 Edition of the International Fire Code for the regulation and governing the safeguarding of life and property from fire and explosion hazards and from conditions hazardous to life or property in the occupancy of buildings and premises and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-11. Possible action. Attachment.

There was no action on this item.

6. To adopt the 2006 Edition of the International Plumbing Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of plumbing systems; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-12. Possible action. Attachment.

There was no action on this item.

7. To adopt the 2006 Edition of the International Mechanical Code for the regulation and governing of design, construction, quality, installation, relocation, etc.; use or maintenance of mechanical systems; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-13. Possible action. Attachment.

There was no action on this item.

8. To adopt the 2006 Edition of the International Fuel Gas Code for the regulation and governing of fuel gas systems and gas-fired appliances and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-14. Possible action. Attachment.

There was no action on this item.

9. To adopt the NFPA Life Safety Code 101-2006 Edition relating to construction and to maintenance of buildings and public safety, health and general welfare; and providing for the issuance of permits and collection of fees. First Reading of Ordinance 2011-15. Possible action. Attachment.

There was no action on this item.

- F. Discussion and consideration to authorize submission of a grant application to the U.S. Department of Justice Bureau of Justice Assistance Program in the amount of \$34,980.00 to acquire fifty-three (53) body armor vests, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

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

- G. Presentation by Special Redistricting Counsel David Mendez of Bickerstaff Heath Delgado Acosta, LLP, and discussion of the Initial Assessment regarding the need to redistrict the City of Weslaco Commissioners' Single Member Districts based on recently issued 2010 Census data. Possible action. Attachment.

Mr. David Mendez addressed the impact of the 2010 Census on the Single Member District boundaries, explaining that each district should have approximately 6,000 people, with a maximum deviation of 10% between the most to least populous districts. Districts 2, 3, and 5 must increase in size; the plan for redistricting must be presented to

the Department of Justice for consideration by September. There was no action on this item.

- H. Discussion and consideration with Special Redistricting Counsel David Mendez of traditional redistricting criteria and possible adoption of Resolution 2011-39 establishing criteria to be utilized by the City of Weslaco for the 2011 redistricting. Possible action. Attachment.

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

For the record, Resolution 2011-39 reads as follows:

RESOLUTION NO. 2011-39

STATE OF TEXAS § RESOLUTION ADOPTING CRITERIA FOR  
COUNTY OF HIDALGO § USE IN THE REDISTRICTING 2011 PROCESS.  
CITY OF WESLACO §

**WHEREAS**, the City Commission have certain responsibilities for redistricting under federal and state law, including but not limited to, Amendments 14 and 15 to the United States Constitution, U.S.C.A. (West 2006) and the Voting Rights Act, 42 U.S.C.A. §§ 1973 and 1973c (West 2010); and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002 (Vernon 2008); and

**WHEREAS**, the City Commission have certain responsibilities for redistricting under the City Charter; and

**WHEREAS**, on review of the 2010 Census data, it appears that a population imbalance exists requiring redistricting of the City Commission member Districts; and

**WHEREAS**, it is the intent of the City to comply with the Voting Rights Act and with all other relevant law, including *Shaw v. Reno* jurisprudence; and

**WHEREAS**, a set of established redistricting criteria will serve as a framework to guide the City in the consideration of districting plans; and

**WHEREAS**, established criteria will provide the City a means by which to evaluate and measure proposed plans; and

**WHEREAS**, redistricting criteria will assist the City in its efforts to comply with all applicable federal and state laws.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS:**

- A. THAT** the City of Weslaco, Texas, in its adoption of a redistricting plan for City Commission member Districts, will adhere to the following criteria:
1. Where possible, easily identifiable geographic boundaries should be followed.
  2. Communities of interest should be maintained in a single district, where possible, and attempts should be made to avoid splitting neighborhoods.
  3. To the extent possible, districts should be composed of whole voting precincts. Where this is not possible or practicable, districts should be drawn in a way that permits the creation of practical voting precincts and that ensures that adequate facilities for polling places exist in each voting precinct.
  4. Although it is recognized that existing districts will have to be altered to reflect new population distribution, any districting plan should, to the extent possible, be based on existing districts.

5. Districts must be configured so that they are relatively equal in total population according to the 2010 federal census. In no event should the total deviation between the largest and the smallest district exceed ten percent.
  6. The districts should be compact and composed of contiguous territory. Compactness may contain a functional, as well as a geographical dimension.
  7. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.
  8. The plan should be narrowly tailored to avoid retrogression in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.
  9. The plan should not fragment a geographically compact minority community or pack minority voters in the presence of polarized voting so as to create liability under section 2 of the Voting Rights Act, 42 U.S.C. § 1973c.
- B.** The governmental body will review all plans in light of these criteria and will evaluate how well each plan conforms to the criteria.
- C.** Any plan submitted to the governmental body by a citizen for its consideration should be a complete plan—*i.e.*, it should show the full number of council member districts and should redistrict the entire District. The governmental body may decline to consider any plan that is not a complete plan.
- D.** All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the governmental body should conform to these criteria.

This resolution shall be effective upon passage.

**PASSED AND APPROVED** this 21<sup>st</sup> day of June, 2011 by a 6 to 0 vote of the City Commission of the City of Weslaco.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- I. Discussion and consideration to approve Resolution 2011-40 adopting redistricting guidelines for the City of Weslaco which set standards for public participation for the 2011 redistricting process. Possible action. Attachment.

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

For the record, Resolution 2011-40 reads as follows:

RESOLUTION NO. 2011-40

STATE OF TEXAS       §   ESTABLISHING GUIDELINES FOR PERSONS  
COUNTY OF HIDALGO §   SUBMITTING COMMENTS AND  
CITY OF WESLACO     §   SPECIFIC REDISTRICTING PROPOSALS.

**WHEREAS**, the City Commission for the City of Weslaco has certain responsibilities for redistricting under federal and state law including but not limited to Amendments 14 and 15 to the United States Constitution, U.S.C.A. (West 2006) and the Voting Rights Act, 42 U.S.C.A. §§ 1973 and 1973c (West 2010); and Tex. Gov't Code Ann. §§ 2058.001 and 2058.002 (Vernon 2008); and

**WHEREAS**, the City Commission has certain responsibilities for redistricting under the City Charter; and

**WHEREAS**, it is necessary to provide for the orderly consideration and evaluation of redistricting plans which may come before the City Commission; and

**WHEREAS**, these guidelines relate to persons who have specific redistricting plans they wish the City Commission to consider; and

**WHEREAS**, the City Commission welcomes any comments relevant to the redistricting process;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS:**

**THAT** in order to make sure that any plan that might be submitted is of maximum assistance to the City Commission and Mayor in its decision making process, the City Commission hereby set the following guidelines:

1. Proposed plans must be submitted in writing and be legible. If a plan is submitted orally, there is significant opportunity for misunderstanding, and it is possible that errors may be made in analyzing it. The City Commission and Mayor want to be sure that all proposals are fully and accurately considered.
2. Any plan must show the total population and voting age population for Blacks, Hispanics, Asians, and Anglo/other for each proposed City Commission district based on 2010 Census Data. If a plan is submitted without a population breakdown, the City Commission and Mayor may not have sufficient information to give it full consideration.
3. Plans should redistrict the entire City of Weslaco. The City Commission and Mayor, of course, will be considering the effect of any plan on the entire City. Also, the City Commission and Mayor are subject to the Voting Rights Act, which protects various racial and language minorities. Thus, as a matter of

federal law, the City Commission will be required to consider the effect of any proposal on multiple racial and ethnic groups. If a plan does not redistrict the entire city, it may be impossible for the City Commission and Mayor to assess its impact on one or more protected minority groups.

4. Plans should conform to the criteria the City Commission and Mayor will be using in drawing the commissioner precincts.
5. Comments must be submitted in writing and be legible, even if the person also makes the comments orally at a public hearing.
6. Persons providing comments and those submitting proposed plans must identify themselves by full name and home address and provide a phone number and, if available, an email address. The City Commission may wish to follow up on such comments or obtain additional information about submitted plans.
7. All comments and proposed plans must be submitted to the City Commission by the close of the public hearing.

This resolution shall be effective upon passage.

**PASSED AND APPROVED** this 21<sup>st</sup> day of June, 2011, by a 6 to 0 vote of the City Commission of the City of Weslaco, Texas.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

J. Status Reports:

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

Mr. Gonzalez reported on the PetCo construction and the Chick-Fil-A postcard petition as well as the July opening of Texas Department of Public Safety and Weslaco Hills Apartments. He stated that Boultinghouse Simpson serves as the architect on the renovation of the south-side of City Hall for the new Business & Visitors' Center, with a six month initial construction phase. He mentioned that Rajet, a fixed base operator in Saltillo and Monterrey, Mexico is considering a potential investment in the Weslaco Mid Valley Airport.

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

Ms. Noell reported on recent advertising initiatives, which included promotion of the airport; she also reported on travel journalists recently hosted from Washington and Missouri; and conveyed to each Commissioner a CD copy of a ten minute video of OnionFest, which is also available online.

**VI. CITY MANAGER'S REPORT**

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and

- B. Report on criteria and process for recognizing major figures by the City of Weslaco.
- D. Report on Revised Agenda Preparation Schedule. Attachment.

Referring to handouts, the City Manager reported that sales tax revenue exceeded a million dollars for the second time this year; ad valorem tax revenues are up one-percent, and the City is one-percent over budget to date. He also presented his recommendations on a deliberative process to engender discussion on recognizing major figures by the City, particularly by naming public facilities.

**VIII. EXECUTIVE SESSION**

At 8:06 p.m., Mayor Wise recessed the regular meeting to convene in Executive Session.

At 8:30 p.m., Mayor Wise 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. Legal Consultation - Discussion with Special Redistricting Counsel David Mendez of Bickerstaff Heath Delgado Acosta, LLP regarding the City of Weslaco's redistricting obligations under the Voting Rights Act pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

**X. ADJOURNMENT**

With no other business before the Commission, at 8:31 p.m. Commissioner Tafolla, seconded by Commissioner Martinez, moved to adjourn the June 21, 2011 meeting. The motion carried unanimously; Mayor Wise was present, but not voting.

**CITY OF WESLACO**

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**MAYOR**, Miguel D. Wise

**ATTEST:**

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**CITY SECRETARY**, Elizabeth M. Walker

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**MAYOR PRO-TEM**, J.F. "Johnny" Cuellar

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**COMMISSIONER**, Robert J. Garza

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**COMMISSIONER**, Olga M. Noriega

**COMMISSIONER**, Gerardo “Gerry” Tafolla

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**COMMISSIONER**, Lupe V. Rivera

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**COMMISSIONER**, Joe A. Martinez