



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
JULY 5, 2011**

On this 5th day of July 2011 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	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; Bret Mann, Finance Director; Oscar Garcia, Public Facilities Director; Griselda Martinez, Interim Human Resources Director; Police Chief Juan Sifuentes; Fire Marshal Jimmy Cuellar; Jorge Gonzalez, Planning & Code Enforcement; Lupe Garcia, Parks & Recreation Director; Rosa Badillo, Court Administrator; Elvia Rios, Sponsored Projects Manager; 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, July 1, 2011.
- B. Mayoral Proclamations.
The Mayor recognized Capt. Zepeda and SSG Escobar, on behalf of all active military, especially 3-141 Battalion and Company F 536th of the National Guard Armory in Weslaco, in honor of Independence Day.
- C. Invocation.
Reverend Richard Speers of Grace Episcopal Church gave the invocation.
- D. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- E. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. STATUS REPORTS

- A. Update by Elvia Caballero Lopez, Caballero Governmental Affairs, on the Texas 82nd Legislature Regular and Special Sessions. Attachment.

Ms. Lopez reported that 6,300 bills and constitutional amendments were filed this Regular and Special sessions, of which 1306 pertained to local governments and 106 became law. There were no unfunded mandates passed; however, there are significant budget cuts to state agencies so future grant funding will be constricted. Her emphasis these sessions was the Mid-Valley Airport; future emphasis will prioritize the Texas Water Development Board.

III. PUBLIC HEARINGS

- A. To solicit input on a request by Solida Administradora de Portafolios SA de CV to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone Lots 1-31 Prada Estates, Hidalgo County, Texas, located on Mile 8 North and Mile 2 ½ West, from “R-2 Duplex and Apartment District” to “M-1 Mobile Home Subdivision District.”

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to open the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting. There were no public comments received.

Commissioner Garza, seconded by Commissioner Tafolla, moved to close the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

IV. 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 21, 2011. Attachment.
- B. Approval of Minutes of the Special Meeting of June 28, 2011. Attachment.
- C. Approval of Resolution 2011-42 acknowledging the need to execute a Multiple Use Agreement with the State of Texas, acting by and through the Texas Department of Transportation to install the desired bus shelters and other related improvements and authorize the Mayor to execute the agreement. (Commission approved Memorandum of Understanding February 15 and selected locations May 17, 2011.) Attachment.
- D. Approval of the renewal of the Affiliation and Program Agreement for Clinical Experience between Weslaco Fire/EMS and University of Texas at Brownsville and Texas Southmost College and authorize the Mayor to execute any related documents. Attachment.
- E. Approval of donations from HEB and Weslaco Softball Baseball in the amount of \$2,200.00 to Fire Department Honor Guard for uniforms and authorize a budget

amendment as appropriate. Attachment.

- F. Approval of the request by Xplicit Vision to use the Weslaco City Park and pavilions #23, 24, and 25 on July 24, 2011 10 a.m. - 8 p.m. for their First Annual Car Show to benefit Teach the Children and waive all fees associated with the event. (Commission authorized different date on April 19, 2011.) 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. The Mayor thanked HEB and Weslaco Softball Baseball for their contributions.

For the record, the Resolution reads as follows:

RESOLUTION 2011-42

A RESOLUTION OF THE CITY OF WESLACO, TEXAS AUTHORIZING THE CITY MANAGER TO EXECUTE A MULTIPLE USE AGREEMENT BETWEEN THE STATE OF TEXAS, TEXAS DEPARTMENT OF TRANSPORTATION AND THE CITY OF WESLACO FOR THE INSTALLATION OF BUS SHELTERS AND OTHER RELATED IMPROVEMENTS ON STATE HIGHWAY RIGHT-OF-WAYS

WHEREAS, the City Council of Weslaco, Texas currently provides local funding match for a regional public transportation system managed by the Lower Rio Grande Valley Development Council (LRGVDC) under the Valley Metro name; and

WHEREAS, the City Council of Weslaco, Texas desires to enhance the transportation services being provided to its citizens by installing bus shelters and other related improvements at locations along the designated but route within its corporate city limits; and

WHEREAS, eight proposed bus shelters at: 1701 W. Business 83 (Walgreens @ Westgate), 625 W. Business 83 (Jenks), 340 S. Texas Blvd. (@ 4th St.), 1700 N. Texas Blvd. (@ 1st St.), 811 N. Texas Blvd., (@ Pike), 1811 N. Texas Blvd., (Family Dollar), 1402 E. 6th ST. (The Knapp Surgery Center), 619 W Highway 83 North Right-of-Way. (Front of South Texas College) – will be on state highway right-of-way under the control and operation of the State of Texas, Acting by and Through the Texas Department of Transportation; and

WHEREAS, the use of the state highway right-of-way under the control and operation of the State of Texas, Acting by and Through the Texas Department of Transportation, requires the City of Weslaco to enter into a Multiple Use Agreement, which said agreement specifies the responsibilities of the City and of the State for the use of state highway right-of-way. A sample copy of a Multiple Use Agreement is attached and labeled as Exhibit “A,” and;

WHEREAS, the City of Weslaco acknowledges the need to execute a Multiple Use Agreement with the State of Texas, Acting by and Through the Texas Department of Transportation to install the desired bus shelters and other related improvements.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESLACO, TEXAS, THAT:

The City of Weslaco shall execute a Multiple Use Agreement with the State of Texas, Acting by and Through the Texas Department of Transportation, to facilitate the installation of bus shelters and other related improvements in designated locations on state highway right-of-way within its corporate city limits for the operation of the Valley Metro.

BE IT FURTHER RESOLVED THAT this resolution shall take effect immediately after its passage.

READ, CONSIDERED, PASSED, AND APPROVED at a regular meeting of the City Council of the

City of Weslaco, Texas, at which a quorum was present and which was held in accordance with V.T.C.A., Government Code, Section 551.041, on the 5th day of July, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

V. 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. (This item was tabled June 21, 2011.) Attachment.

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

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve Resolution 2011-31 and Resolution 2011-32 appointing Danny Reyna and Randy Summers, respectively, to fill the unexpired terms of two (2) members to the Planning & Zoning Commission. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2011-31

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PLANNING AND ZONING COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances.

WHEREAS, the terms of the members of this board are for three years; and

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT DANNY REYNA is appointed to serve on the Planning and Zoning Commission Board and the term will expire on 6TH day of JULY, 2014.

PASSED AND APPROVED on this 5th day of July, 2011.

RESOLUTION NO. 2011-32

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PLANNING AND ZONING COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances.

WHEREAS, the terms of the members of this board are for three years; and

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT RANDY SUMMERS is appointed to serve on the Planning and Zoning Commission Board and the term will expire on 6TH day of JULY, 2014.

PASSED AND APPROVED on this 5th day of July, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- B. Discussion and consideration to approve Resolution No. 2011-41 to appoint one member to an unexpired term on the Traffic Safety Committee. Possible action. Attachment.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to appoint Joel de los Santos; then each rescinded his motion.

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

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone Lots 1-31 Prada Estates, Hidalgo County, Texas, located on Mile 8 North and Mile 2 ½ West, from “R-2 Duplex and Apartment District” to “M-1 Mobile Home Subdivision District.” First Reading of Ordinance 2011-17. Possible action. Attachment.

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.

- B. Discussion and consideration on behalf of Weslaco Independent School District to approve Final Plat of the Sam Houston Elementary School Subdivision, including two (2) tracts of land, being 10.09 acres and 0.53 of an acre out of Lot 3, Block 142 of West Tract Subdivision and being out of a portion of Farm Tract 45 of West and Adams Tract Subdivision, Hidalgo County, located at 608 N. Cantu Street, Weslaco, Texas and authorize the Mayor to execute any related documents. Possible action. 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.

- C. Discussion and consideration on behalf of the Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter-Day Saints, a Utah Corporation to approve Final Plat of the Amended Plat of Lot E Clifford Subdivision, also being a 3.00 acre

(130,680.00 square foot) tract of land being Lot E out of Clifford Subdivision, Hidalgo County, Texas, located on the intersection of Valley View Drive and Westgate Drive and authorize the Mayor to execute any related documents. Possible action. 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.

- D. Discussion and consideration to approve the 2011 Interlocal Agreement between the City of Weslaco and the County of Hidalgo for implementation of Community Development Block Grant (CDBG) under Grant No. B-11-UC-48-0501 setting the City's allotment at \$308,702.00 for activities to be carried out in the City's jurisdiction and authorize the Mayor and appropriate staff to execute any related documents. Possible action. 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.

- E. Discussion and consideration to authorize the use of forfeiture funds from the Police Department Forfeiture Account for payment of overtime not to exceed \$8,000.00 for law enforcement investigations and operations and authorize a budget amendment as appropriate. Possible action. Attachment.

The City Manager stated this will allow compensation for officers participating in the High Intensity Drug Trafficking Task Force. Commissioner Rivera, seconded by Commissioner Garza, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to authorize staff to solicit proposals for the Employee Group Health Insurance; Basic Life & Accidental Death & Dismemberment; Commercial Insurance Package; and Workers' Compensation Coverage. Possible action. Attachment.

Commissioner Garza stated he prefers to review renewals on existing policies before considering issuing a Request for Proposals. Commissioner Garza, seconded by Mayor Pro-Tem Cuellar, moved to table the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to approve Ordinance 2011-16 establishing a policy and committee for the naming of public facilities and transportation improvements. Possible action. First Reading of Ordinance 2011-16. Attachment.

The City Manager stated this Ordinance establishes a policy for criteria to assign names to public facilities, including parks, buildings, and streets, and advisory review by a seven-member board. The Mayor Pro-Tem suggested for Second Reading incorporation of the policy approved 10-15 years ago on street naming as well as a similar policy adopted by the Weslaco Independent School District. Mayor Pro-Tem

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

- H. Discussion and consideration to approve a name change to the Porter Doss Memorial Library. Possible action. (Item as requested by Commissioners Rivera and Martinez.) Attachment.

There was no action on this item.

- Add 1A Addendum of July 1, 2011: Discussion and consideration to change the name of the Porter Doss Memorial Library to the Mayor Joe V. Sanchez Library. (Item as requested by Commissioners Rivera and Martinez.) Possible action.

There was no action on this item.

- Add 2A Addendum of July 2, 2011: Discussion and consideration to rededicate the Porter Doss Memorial Library Building. (Item as requested by Commissioners Rivera and Noriega.) Possible action.

The City Manager explained that the library was established in Weslaco in 1948 with the financial assistance of an endowment by P. Porter Doss, for whom the library was named. The library facility moved across the street from its inaugural location in 1966, the current Library Commons facility, and to its present location in 1986. It appears an error in history that the name did not convey with the change in location. Ms. Ruth Ann Higgins, a citizen and retired librarian cautioned that any name change may create confusion with state and federal funding agencies. Mr. Eddie Zepeda, network administrator at the Library, assured that funding for the Library Commons is through a one-time allotment by the Community Development Block Grant Program and not the annual E-Rate program. The City Attorney stated he would review the E-Rate application for appropriate compliance.

Commissioner Rivera, seconded by Commissioner Garza, moved to rededicate the Library Commons as the P. Porter Doss Memorial Library Building. The motion carried unanimously; Mayor Wise was present, but not voting.

- Add 2B Addendum of July 2, 2011: Discussion and consideration to change the name of the Weslaco Public Library to the Mayor Joe V. Sanchez Municipal Library. (Item as requested by Commissioners Rivera and Noriega.) Possible action.

Commissioner Rivera, seconded by Commissioner Martinez, moved to change the name of the Weslaco Public Library to the Mayor Joe V. Sanchez Public Library. The motion carried unanimously; Mayor Wise was present, but not voting.

VII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Upcoming Meetings and Appointments. Attachment.

The City Manager encouraged citizens to enroll in the CodeRed phone service, which serves as a "reverse 911" during urgent situations. He also announced the budget

schedule over the next few weeks.

- B. Report on the Hospital Authority Board and consideration to dissolve and transfer all functions to the Weslaco Health Facilities Corporation. Attachment.

The City Manager stated an action item on this issue may be forthcoming.

- C. Presentation of New Management Team for the City of Weslaco.

The City Manager introduced each department director in turn, identifying professional and educational credentials. He also recognized Ms. Maria Garcia and Ms. Molly Vallejo of the City Secretary's Office for recently going beyond the call of duty to provide services to a constituent.

VIII. PUBLIC COMMENTS

Ms. Christine Warren of 605 W. 5th Street, stated that the Library Board as an advisory committee should have been involved in the dedication and renaming of library buildings. She also encouraged recycling by neighborhood cooperation.

Ms. Alicia Aguilar, representing the Economic Development Corporation, expressed appreciation for the Commission's support of Alfresco Weslaco, a jazz festival to be held on Texas Boulevard.

Mr. David Suarez of 1401 Eucalyptus commended the new management team and encouraged fiscal responsibility with local taxpayer funds, including due diligence to review cost-benefits, such as savings by privatization of trash collection by Allied Waste, and file and honor conflicts of interest disclosure statements and questionnaires. The Mayor Pro-Tem responded that Mr. Suarez is put on notice regarding the legal consequences of alleged malicious slander through his blog.

IX. EXECUTIVE SESSION

At 7:24 p.m., Mayor Wise recessed the regular meeting to convene in Executive Session.

At 8:37 p.m., Mayor Wise announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Economic Development - Discussion and consideration of an international aviation business to locate in Weslaco and the terms and conditions for entering into a Development Agreement with The Economic Development Corporation of Weslaco for facilities at the Mid-Valley Airport pursuant to §551.087 of the Texas Government Code. (Item as requested by the Mayor.)

Commissioner Martinez, seconded by Mayor Pro-Tem Cuellar, moved to authorize staff to negotiate a Development Agreement at the Mid-Valley Airport. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Pending Litigation – Discussion with City Attorney regarding C-10-2165-E, L & G Concrete Construction Inc., and Arnulfo Gonzalez, Plaintiffs v. RCD Infrastructure LLC, Enriquez Enterprises Inc., and The City of Weslaco, Defendants pursuant to

§551.071 of the Texas Government Code.

There was no discussion on this item.

- C. Attorney Consultation – Discussion with City Attorney regarding the legal issues in connection with the Economic Development Corporation of Weslaco Development Agreement and Lease with the City and the contracts for the design and construction of the improvements to the southern part of the Weslaco City Hall pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

XI. ADJOURNMENT

With no other business before the Commission, at 8:38 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to adjourn the July 5, 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

COMMISSIONER, Robert J. Garza

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Gerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez