



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
NOVEMBER 1, 2011**

On this 1st day of November 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	Olga M. Noriega
Commissioner	Gerardo "Gerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker

Also present: David Mendez, special counsel sitting in as City Attorney for this meeting in the absence of Ramon Vela; Rey Garcia, IT Director; Bret Mann, Finance Director; David Salinas, Public Utilities Director; Erasmo Lozano, Assistant Public Facilities Director; Jorge Gonzalez, Planning & Code Enforcement Director; Arnold Becho, Library Director; Martin Mata, Assistant Library Director; Lupe Garcia, Parks & Recreation Director; and several other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Wise certified the public notice of the meeting as properly posted Friday, October 28, 2011.
- B. Mayoral Proclamations and Recognitions.
The Mayor recognized Parental Involvement Week.
- C. Invocation.
Rev. Mario Perez with Mid-Valley Assembly of God 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 the absence of Commissioner Garza.

II. PUBLIC HEARINGS

- A. To solicit public comments on behalf of VTX Communications to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 608 & 610 E. 6th Street, Weslaco,

189 ft. of Lot 58, Mistletoe Park and Tract 2, all of Lot 59 and that part of Lot 61, lying South of the extension of the South line of Lot 51, Mistletoe Park, to where it would intersect the east line of Lot 61, Mistletoe Park, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business 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.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. To solicit public comments on behalf of Overland Properties, LLC to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 2111 W. Business Highway 83, Weslaco, Texas, also being West Tract E7.73 AC FT 632, 7.73 AC NET, from “R-1 Single Family Dwelling District” to “B-2 Secondary and Highway 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.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. To solicit public comments on behalf of Van & Mary G. Moad to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 801 S. Missouri Ave., Weslaco, Texas, also being Lots 25 & 26, Block 1, Orange Grove Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business 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.

Mr. Richard Vaughan and Ms. Benita Valadez spoke in support of the request. Mr. Ramiro Trevino and Mr. George Lopez commented on the similarities between this request and that by Jose Trevino at 512 Santa Ana Street. Ms. Moad stated she is willing to revert the property zoning back to single family residence when her business operations cease there, which she doesn't anticipate much longer; until then, hours of operation are Monday – Friday, 8:30 a.m. – 1:00 p.m. with three off-street parking spaces.

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

- D. To solicit public comments on behalf of Irma Valerio-Salinas to approve a Conditional Use Permit to operate a bar and grill and to obtain a mixed beverage alcohol permit at 623 E. Business 83, Weslaco, Texas, also being Lot 1, Harding-Gill Subdivision, Hidalgo County, Texas.

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.

Mr. Richard Vaughan spoke in support of the request.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. To solicit public comments on the proposed redistricting illustrative plans concerning proposed new boundaries for City of Weslaco Commissioner Districts.

Mr. David Mendez explained that three plans have been presented to rebalance the single member districts following the 2010 Census; there is another public hearing expected November 15, 2011 and there were no comments received this meeting. The Mayor Pro-Tem requested that maps of the current and proposed districts be displayed in the lobby. There were no public comments received.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close the public hearing. The motion carried unanimously; Mayor Wise was present, but not voting.

III. STATUS REPORTS AND VISITORS WITH BUSINESS

- A. Lilia Ledesma with Linebarger Goggan Blair & Sampson, LLP on Delinquent Tax and Fine Collections for the Period October 1, 2010 through September 30, 2011.

For the record, the Mayor Pro-Tem stated he has a conflict of interest on file with the City Secretary's Office because of his disclosed business affiliation with Linebarger Goggan Blair & Sampson, LLP and will not participate in any discussion.

Ms. Ledesma stated the firm presently has an 8.8% collection rate for delinquent fines for the period October 1, 2010 – September 30, 2011. She suggested different technology which may facilitate producing more timely reports. She also reported that \$2.1 million remains outstanding as delinquent tax collections; however, \$915,000.00 of that is tied up in litigation. The firm produced eleven mailings this year to collect on delinquent accounts as little \$20.00 each.

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 the Minutes of the Regular Meeting of October 18, 2011. Attachment.
- D. Approval of request by St. Pius X Catholic Church to celebrate Mass at the City Cemetery on All Souls Day, Wednesday, November 2 at noon. Attachment.
- E. Approval of the request by the Weslaco Area Chamber of Commerce to host the 2011 Mid-Valley Christmas Lighted Parade on Thursday, December 8, 2011 from 6:00 p.m. – 9:00 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, waive any fees 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.
- F. Approval of the request by Ministerio Publico Nuevo Amanecer to use City Park on November 12, 2011 from 8:00 a.m. – 6:00 p.m. for a fundraiser with car show and food sales to support the construction of their new church and waive all fees associated. Attachment.

Items B and C were withheld from the consent agenda to be considered as new business. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the items A, D, E, and F of the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

V. **APPOINTMENTS**

- A. Discussion and consideration to approve Resolution 2011-58 to fill the expired term of one member from Place 4 on the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. (There was no action on this item October 18, 2011.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve Resolution 2011-58 reappointing David Suarez to the Economic Development Corporation of Weslaco Board of Directors. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2011-58

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT David Suarez is appointed to a term as a member of the Board of Directors of the Economic Development Corporation of Weslaco and the term will expire on September 30th 2014.

PASSED AND APPROVED on this 1st day of November, 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 2011-59 to fill the expired term of one member from Place 5 on the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. (There was no action on this item October 18, 2011.) Attachment.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve Resolution 2011-59 appointing Leticia Gonzalez Aleman to the Economic Development Corporation of Weslaco Board of Directors. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2011-59

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF DIRECTORS OF THE ECONOMIC DEVELOPMENT CORPORATION OF WESLACO

WHEREAS, the City of Weslaco has established the Economic Development Corporation pursuant to the Development Corporation Act of 1979 as amended; and

WHEREAS, the term of one member on this board of this corporation is for three years; and

WHEREAS, The Economic Development Corporation of Weslaco's board members shall serve staggered terms without compensation and limited to two (2) consecutive three (3) year terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Leticia Aleman is appointed to a term as a member of the Board of Directors of the Economic Development Corporation of Weslaco and the term will expire on September 30th 2014.

PASSED AND APPROVED on this 1st day of November, 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 Resolution No. 2011-61 to appoint one member to an expired term on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve Resolution 2011-61 reappointing Andy Veliz to the Board of Adjustments and

Appeals. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2011- 61

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF ADJUSTMENTS & APPEALS-ZONING ORDINANCE.

WHEREAS, the City of Weslaco created and established the Board of Adjustments & Appeals-Zoning Ordinance.

WHEREAS, the term of the members of this board are for two years; and

WHEREAS, the Board of Adjustments & Appeals-Zoning Ordinance members shall serve with neither compensation nor term limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Andy Veliz is appointed to serve on the Board of Adjustments & Appeals-Zoning Ordinance and the term will expire on 2nd day of November, 2013.

PASSED AND APPROVED on this 1st day of November, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- D. Discussion and consideration to approve Resolution No. 2011-62 to appoint one member to an expired term on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve Resolution 2011-62 reappointing Hector Valdez to the Board of Adjustments and Appeals. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2011- 62

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF ADJUSTMENTS & APPEALS-ZONING ORDINANCE.

WHEREAS, the City of Weslaco created and established the Board of Adjustments & Appeals-Zoning Ordinance.

WHEREAS, the term of the members of this board are for two years; and

WHEREAS, the Board of Adjustments & Appeals-Zoning Ordinance members shall serve with neither compensation nor term limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Hector Valdez is appointed to serve on the Board of Adjustments & Appeals-Zoning Ordinance and the term will expire on 2nd day of November, 2013.

PASSED AND APPROVED on this 1st day of November, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:
/s/ Elizabeth M. Walker, CITY SECRETARY
APPROVED AS TO FORM:
/s/ Ramon Vela, CITY ATTORNEY

- E. Discussion and consideration to approve Resolution No. 2011-63 to appoint one member to an expired term on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. Attachment.

Commissioner Martinez, seconded by Commissioner Rivera, moved to table this item. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to approve Resolution No. 2011-47 to appoint an official member and an alternate member to the Amigos del Valle, Inc. Board of Directors for Fiscal Year 2011-2012. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve Resolution No. 2011-47 appointing Eloy Alaniz as an official member and Commissioner Olga Noriega as an alternate member to the Amigos del Valle, Inc. Board of Directors for Fiscal Year 2011-2012. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2011-47

THE STATE OF TEXAS § **A RESOLUTION APPOINTING A MEMBER AND AN ALTERNATE MEMBER TO THE AMIGOS DEL VALLE, COUNTY OF HIDALGO** § **INC. BOARD OF DIRECTORS FOR FISCAL YEAR 2011-2012**
CITY OF WESLACO

WHEREAS, the Amigos del Valle, Inc. has requested that a City of Weslaco elected official be appointed to serve as the official member of the Amigos del Valle, Inc. Board of Directors; and

WHEREAS, the City of Weslaco has elected to appoint an individual of the City of Weslaco to serve in place of the official member; and

WHEREAS, the Amigos del Valle, Inc. has requested that a City of Weslaco elected official be appointed to serve as an alternate member of the Amigos del Valle, Inc. Board of Directors; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO that Eloy Alaniz be appointed as the official member of the Amigos del Valle, Inc. Board of Directors.

BE FURTHER RESOLVED that Olga Noriega, City Commissioner be appointed as an alternate member of the Amigos del Valle, Inc. Board of Directors and a copy of this Resolution shall be delivered to the Amigos del Valle, Inc. to evidence these appointments.

PASSED AND APPROVED this 1st day of November, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:
/s/ Elizabeth M. Walker, CITY SECRETARY
APPROVED AS TO FORM:
/s/ Ramon Vela, CITY ATTORNEY

15% for the average residential user and ordaining other matters with respect to the subject matter hereof and providing for an effective date after second publication of this ordinance. Second and Final Reading of Ordinance 2011-29. Possible action. (First Reading held October 18, 2011.) Attachment.

The City Manager stated this is part of the City’s attempt to finance improvements at the water treatment plant; it represents a major increase, but is sorely needed. Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Ordinance reads as follows:

ORDINANCE NO. 2011-29

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 77-16, ADOPTED ON AUGUST 16, 1977, AND CODIFIED IN THE WESLACO CODE OF ORDINANCES AS SECTION 138.58 “WATER RATES PRESCRIBED” AND AMENDING SECTION 1 OF ORDINANCE 67-10, ADOPTED ON JUNE 27, 1967, AND CODIFIED IN THE CITY OF WESLACO CODE OF ORDINANCES AS SECTION 138.59 “SEWER RATES PRESCRIBED;” BY PROVIDING FOR A NEW SCHEDULE OF RATES TO BE CHARGED FOR TREATED WATER DELIVERED THROUGH THE SYSTEM OF THE PUBLIC UTILITIES DEPARTMENT OF THE CITY OF WESLACO; AND PROVIDING FOR A NEW SCHEDULE OF RATES TO BE CHARGED FOR THE USE OF WASTEWATER TREATMENT FACILITY OF THE CITY OF WESLACO; AND PROVIDING FOR AN EFFECTIVE DATE AFTER THE SECOND PUBLICATION OF THIS ORDINANCE, AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

SECTION 1. BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, to amend Section I of Ordinance No. 77-16, Codified in the Weslaco Code of Ordinances as Section 138.58 and entitled “*Water Rates Prescribed*”, to adopt a new schedule of rates to be charged for treated water and sewer delivered through the system of the water department of the City of Weslaco so that after Second and Final Reading of this Ordinance, Weslaco Code of Ordinances Section 138.58, will read as follows:

ARTICLE II. SERVICE CHARGES

Sec. 138.58. Water rates prescribed.

There are hereby established the following schedules of rates to be charged for treated water delivered through the system of the water department of the city:

Schedule A. Residential Inside City Limits.

- (1) Minimum monthly bill, residential master meter (not including water)..... \$14.66
- Minimum monthly bill, residential master meter (includes 2,000 gallons of water) if applied for by resident over 65, disabled, or veteran..... \$9.77
- Minimum monthly bill, second meter (solely for sprinkler system not including water).....\$7.62
- (2) Charge per each 1,000 gallons or portion thereof.....\$2.54
- (3) Charge per each 1,000 gallons or portion thereof (sprinkler meters only).....\$4.06

Schedule B. Residential Outside City Limits.

- (1) Minimum monthly bill..... \$21.27

- (2) Charge per each 1,000 gallons or portion thereof.....\$2.67
- (3) Charge per each 1,000 gallons or portion thereof (sprinkler meters only).....\$4.06

Schedule C. Commercial and Multi-Family Users.

- (1) Minimum monthly bill:
 - 0 to 15,000 gallons..... \$14.66
 - 15,001 to 35,000 gallons.....\$30.38
 - 35,000 gallons and over..... \$45.57
- (2) Charges per each 1,000 gallons or portion thereof:
 - 0 to 15,000.....\$2.54
 - 15,001 gallons and over..... \$2.83

Schedule D. Tapping Fees.

The following charges shall be made as tapping fees for making connections for the use of any water user (deposit and permit fees are not included):

Meter Size	Inside City	Outside City
5/8"	\$ 325.00	\$ 475.00
1"	\$ 425.00	\$ 675.00
1 1/2"	\$ 625.00	\$ 975.00
2"	\$ 925.00	\$1,375.00
3"	\$4,100.38	\$5,100.38
4"	\$6,165.96	\$7,165.96

For all other size taps, the tapping charge shall be based upon the current cost of the meter, required materials, and labor therefore.

In cases where the developer has installed their own water lines, tapping saddles, corp. stop, tubing and angle stop up to the ground surface, the fees for a 5/8" meter will be \$175 for a connection inside the city limits and \$250 for a connection outside the city limits.

Schedule E. Sprinkler Fees

There shall be no additional charge per month in addition to the other charges listed in this section, for accounts with a fire protection sprinkler system.

SECTION II. BE IT FURTHER ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, to amend Section I of Ordinance No. 67-10, adopted on June 27, 1967, and codified as Section 138.59 and entitled "Sewer Rates Prescribed", so that after Second and Final Reading of this ordinance, Weslaco Code of Ordinances Section 138.59 will read as follows:

ARTICLE II. SERVICE CHARGES

Sec. 138.59. Sewer rates prescribed.

The following rates shall be charged for use of the wastewater treatment facilities of the City of Weslaco, including storm sewer lines if used for the purpose of disposing waste or cooling water. The rates hereby established shall be applicable to all classes of customers using the city sanitary sewer system, except for industrial customers who will continue to be charged under the provisions of the industrial waste ordinance of the City of Weslaco, Ordinance No. 76-16, as amended:

- (1) *Minimum Charge:* The minimum monthly charge for all classes of customers using the City of Weslaco wastewater treatment facilities shall be thirteen dollars and eighty-

- seven cents (\$13.87) per month. The monthly base rate will be nine dollars and seventy-one cents (\$9.71) if applied for by a resident over 65 years of age, disabled, or a veteran.
- (2) *Additional Charges for single-family residential users.* In addition to the minimum charge listed above, a charge of one dollar and fifty-nine cents (\$1.59) will be made for each one thousand (1,000) gallons of water used, or portion thereof.

SECTION III: All other parts of Chapter 138, Article II, Section 138.58, and Section 138.59, and Ordinance 77-16 shall remain in effect and are not being amended by this Ordinance.

SECTION IV: These amendments to Chapter 138, Article II, Section 138.58, and Section 138.59, shall be in effect after Second and Final Reading of this Ordinance.

PASSED AND APPROVED on first reading at a special meeting of the City Commission this 18th day of October, 2011.

PASSED AND APPROVED on second reading at a special meeting of the City Commission this 1st day of November, 2011.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

VII. NEW BUSINESS

- B. Approval of the renewal of the Amigos Del Valle, Inc. lease agreement for fiscal year 2011-2012 with the same terms and conditions and authorize the Mayor to execute any related documents. Attachment.

Held from the Consent Agenda, The City Manager stated space would be provided in the Service Center at no cost while looking to move the Amigos Del Valle, Inc. to a different, smaller City facility with a kitchen by next year. Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Approval of the renewal of the Hidalgo County Head Start Program lease agreement for fiscal year 2011-2012 with the same terms and conditions and authorize the Mayor to execute any related documents. Attachment.

Held from the Consent Agenda, there was no action on this item.

- A. Discussion and consideration after public hearing on behalf of VTX Communications to approve Ordinance 2011-32 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 608 & 610 E. 6th Street, Weslaco, Texas, also being Tract 1, the east 40 ft. of the south 189 ft. of Lot 47 and the south 189 ft. of Lot 58, Mistletoe Park and Tract 2, all of Lot 59 and that part of Lot 61, lying South of the extension of the South line of Lot 51, Mistletoe Park, to where it would intersect the east line of Lot 61, Mistletoe Park, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District." First Reading of Ordinance 2011-32. Possible action. Attachment.

The City Manager stated the Planning & Zoning Commission and staff recommend approval. 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.

- B. Discussion and consideration after public hearing on behalf of Overland Properties, LLC. to approve Ordinance 2011-33 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 2111 W. Business Highway 83, Weslaco, Texas, also being West Tract E7.73 AC FT 632, 7.73 AC NET, from “R-1 Single Family Dwelling District” to “B-2 Secondary and Highway District.” First Reading of Ordinance 2011-33. Possible action. Attachment.

The City Manager stated the Planning & Zoning Commission and staff recommend approval. 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 after public hearing on behalf of Van & Mary G. Moad to approve Ordinance 2011-34 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 801 S. Missouri Ave., Weslaco, Texas, also being Lots 25 & 26, Block 1, Orange Grove Subdivision, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2011-34. Possible action. (Planning & Zoning Commission on October 19, 2011 denied the request; a three-fourths vote of the City Commission is required to approve the appeal.) Attachment.

The City Manager stated the Planning & Zoning Commission and staff recommend denial due to non-compliance with the City Comprehensive Plan. Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented; Commissioners Noriega and Martinez opposed the motion. The motion failed without three-fourths approval (vote 3-2); Mayor Wise was present, but not voting.

- D. Discussion and consideration after public hearing on behalf of Irma Valerio-Salinas to approve a Conditional Use Permit to operate a bar and grill and to obtain a mixed beverage alcohol permit at 623 E. Business 83, Weslaco, Texas, also being Lot 1, Harding-Gill Subdivision, Hidalgo County, Texas. Possible action. Attachment.

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.

- E. Discussion and consideration on behalf of Todd Bookout, Adobe Construction, L.L.C. to approve Final Plat of the Midway Gardens Subdivision, being a re-subdivision of 3.778 acres out of Farm Tract 643, Block 177, West and Adams Tract Subdivision, Hidalgo County, Texas and accept the drainage easement from Adobe Construction, L.L.C. Possible action. Attachment.

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

- F. Discussion and consideration to approve the proposed investment policies as prepared by the City of Weslaco Library Board for the funds resulting from the Marion Booth Bequest, and to authorize the City Manager, Finance Director, or designee to administer the investment according to the Texas Public Funds Investment Act, City of Weslaco Policy, and the advice of the Library Board. Possible action. Attachment.

There was no action on this item.

- G. Discussion and consideration to approve the proposed Marion Booth Endowment Program Charter and authorize the Library Board to administer the Marion Booth Endowment Program. Possible action. Attachment.

There was no action on this item.

- H. Discussion and consideration to approve payment to CH2MHILL- OMI in the amount of \$56,398.32, which exceeds the \$250,000.00 annual repair allowance per contract FY 2011-2012, and authorize budget amendments as appropriate. 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.

- I. Discussion and consideration to approve the A/C Technician full-time employment position and authorize a budget amendment for non-exempt wages in the Building Maintenance Fund in the amount of \$27,040.00. Possible action. Attachment.

There was no action on this item.

- J. Discussion and consideration to adopt Ordinance 2011-35 pertaining to the City of Weslaco Texas Municipal Retirement System (TMRS), authorizing and allowing "Updated Service Credits" for services performed by qualifying members of such system who presently are members of the City of Weslaco, providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City, and establishing an effective date for such actions. First Reading of Ordinance 2011-35. Possible action. Attachment.

The City Manager stated the Commission previously approved a change to the contribution rate from 2:1 to 1:1; adoption of the ordinance constitutes a cost savings by structuring participation annually. 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.

- K. Discussion and consideration to approve the professional services agreement with Garcia and Pena, Certified Public Accountants, for accounting support for Fiscal Year 2010-2011 financial statements in an amount not to exceed \$15,000.00 and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated that Garcia and Pena may help the City establish procedures and train staff, but this is not a practice to continue in the future. The Mayor expressed reservations that the same firm helping to prepare the books conducts an audit, so it appears they audit themselves; the Finance Director assured that this is not the case as accounting standards do not permit that practice. Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- L. Discussion and consideration to approve the professional services agreement with Garcia and Pena, Certified Public Accountants, for auditing services for Fiscal Year 2010-2011 in an amount not to exceed \$44,430.00 and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated this is the same cost as last year. Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- M. Discussion and consideration to declare Lift Station 36 an imminent threat to the health and safety of the citizens of the City of Weslaco due to the existing and ongoing deterioration as per §252.022(a) (2) of the Local Government Code. Possible action.

Commissioner Noriega moved to declare Lift Station 36 an imminent threat and direct the City Manager to negotiate with Cruz-Hogan Consulting Engineers a Professional Service Agreement for its rehabilitation. The motion failed due to lack of a second.

The City Manager stated that bad corrosion at the Lift Station prompts immediate action; the Mayor observed that designation of an imminent threat allows the City to circumvent the procurement process. Mr. Orlando Cruz stated that since temporary pumps and controls are in use there now, a more permanent remedy needs to be considered to counter the consequences of hydrosulfite gasses and poor engineering.

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.

- N. Discussion and consideration to award the Professional Service Agreement to LaFevre Environmental Management Consulting, LLP for engineering services for the rehabilitation of lift station No. 36 due to existing and ongoing deterioration in the amount not to exceed \$84,410.00, authorize budget amendments as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated that Mr. Jorge Gonzalez, as Planning Director and City Engineer, gives guidance; however, the City Manager recommends, as per the Commissioner's previous instruction, to rotate among qualified engineers. Mr. LaFevre stated he had not yet conveyed a contract nor prepared a cost; the City

Manager stated he would present any agreement as negotiated for Commission consideration.

The Mayor Pro-Tem advised Mr. Orlando Cruz that he did not appreciate any politics he is playing, seemingly pitting Commissioners against each other. Mr. Cruz stated that the issue is the imminent threat at the Lift Station, not any second-hand knowledge of his political comments. Commissioner Noriega stated it is not politics that compelled her motion, rather the principle of the matter: if an engineer did the work, he should be compensated and if the threat is imminent, it is timely to proceed with the engineer who initiated the work. The City Manager stated any firm that was identified in earlier versions of the agenda was presented in draft form and as such subject to change.

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

- O. Discussion and consideration to authorize the City Manager to negotiate a construction-manager contract for the Valley Nature Center facility and associated projects at Gibson Park as per Local Government Code 252.022(a)(2). Possible action. Attachment.

The City Manager stated this action would allow the project to meet its grant-mandated deadline. Commissioner Martinez, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- P. Discussion and consideration to approve the renewal of the contract for the Groundwater, Landfill Gas, and Leachate Monitoring Program with Raba-Kistner Consultants, Inc. with the same terms and conditions for a four-year period, November 2011 – December 2015, at a cost not to exceed \$217,050.00 which reflects a 5% discount, authorize a budget amendment as needed, and authorize the Mayor 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.

- Q. Discussion and consideration to lease to purchase nine (9) 2012 Chevy Tahoe police pursuit vehicles with emergency equipment at a total cost not to exceed \$136,225.80 per year for three (3) years as per Buyboard contract pricing with Government Capital Corporation using Internal Service Funds and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated this will begin a program to rotate the Police vehicles; Captain Walenski described this Tahoe model as tested and compared to other pursuit vehicles. Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- R. Discussion and consideration to purchase nine (9) Motorola XTL 1500 Mobile Radios for a total cost not to exceed \$17,128.00 using Internal Service Funds and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated this would equip the vehicles as just approved; Captain Walenski assured these radios meet P25 compliance as mandated. Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

VIII. CITY MANAGER'S REPORT

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

The City Manager announced that Lt. Kelley has been appointed Interim Police Chief; the Human Resources Department is updating pay classifications; and the restrooms at City Park will soon get renovated in-house following fire damage.

- B. Report on the Weslaco Health Facilities Development Corporation Meeting on Monday, October 31, 2011. Attachment.

The City Manager stated the annual meeting was held and the City is considering dissolving its predecessor board.

- C. Report by Planning/Code Enforcement Department.

Mr. Jorge Gonzalez gave an overview of the three divisions of health, building, and engineering, with twelve employees, under the umbrella of Planning and Code Enforcement. He stated that the department presently is updating zoning maps.

IX. PUBLIC COMMENTS

Mr. Kevin Duhon introduced board members of "Legacy," a group of students from Central Middle School who want to be involved and make a difference and invited the Commission to volunteer with them; he chastised the Commission for "acting like fools" with young people watching and announced he is going for a recall on District 2.

Mr. David Robledo with Texas Food Revolution thanked the Commission for its support of the upcoming Farmers Market as orchestrated by the Economic Development Corporation.

Ms. Christine Warren encouraged the Commission to act on the Marion Booth endowment so the Library Board may get a better return on its investment.

X. EXECUTIVE SESSION

At 8:11 p.m., the Mayor recessed the regular meeting to convene in Executive Session. At 8:143 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

**XI. POSSIBLE ACTION ON WHAT IS DISCUSSED
IN EXECUTIVE SESSION**

- A. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Case No. 7:10-CV-00452, Michael Fisher, Arnold Rodriguez, and Edna Salas v. City of Weslaco pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- B. Pending Litigation – Discussion with City Attorney regarding Case No. 7:09-CV-0118, Claudio Lucio v. City of Weslaco pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

XII. ADJOURNMENT

With no other business before the Commission, at 8:44 p.m. Commissioner Tafolla, seconded by Commissioner Martinez, moved to adjourn the November 1, 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