



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
JANUARY 17, 2012**

On this 17th day of January 2012 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 “Jerry” 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; Elvia Rios, Interim Human Resources Director; David Salinas, Public Utilities Director; Oscar Garza, Public Facilities Director; Fire Chief Jimmy Cuellar; Interim Police Chief Michael Kelley; Jorge Gonzalez, Planning & Code Enforcement Director; Arnold Becho, 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 called the meeting to order and certified the public notice of the meeting as properly posted Friday, January 13, 2012.
- B. Mayoral Proclamations and Recognitions.
The Mayor presented proclamations in recognition of the Tech Prep Job Shadow Day on February 2, 2012 and Catholic Schools Week on January 30 – February 3, 2012.
- C. Invocation.
Pastor Faron Thebeaun with Primera Bautista Church delivered 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 Commissioner Robert Garza as absent.

II. PUBLIC HEARINGS

- A. To solicit input on behalf of Van & Mary G. Moad to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 801 S. Missouri Ave., being Lots 25 & 26, Block 1, Orange Grove Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-4 Neighborhood Office District.”

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

Mayor Pro-Tem Cuellar commented that though this item had been previously considered, this zone as presented now is better suited to this business type. Ms. Moad spoke to traffic and parking considerations and neighborhood support; Mr. Joe Pedraza advised that the Board of Adjustments and Appeals would next consider variance requests pertaining to the business.

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.

III. STATUS REPORTS AND VISITORS WITH BUSINESS

- A. Hernan Gonzalez, Executive Director of the Economic Development Corporation of Weslaco (EDC), regarding monthly economic development activities. Attachment.

Mr. Hernan Gonzalez reported on the long-awaited DPS Regional Headquarters grand opening set January 29; he also reported Mission Foods relocated its Distributions Center and Sales Office to the Industrial Park. The Mid-Valley Women’s Health & Surgical Arts building is in development; Payne Dealers Group will expand its facilities to make it the largest autoplex south of San Antonio. Tampico Charters will begin a new shuttle service on February from Tampico to the Mid-Valley Airport.

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

Ms. Martha Noell reported a decline in Winter Texan numbers, but stated that the Chamber is trying to encourage their participation with posters at the Mobile Home parks and gift certificates at targeted Chamber events. She reported on recent paid and earned media coverage and provided a final report on the Christmas parade, with 103 entries the biggest ever.

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 January 3, 2012. Attachment.

- B. Approval on Second and Final Reading the following Ordinances:
- 1) Ordinance 2012-01 amending Ordinance 77-14 to increase the number of Directors of the Weslaco Hospital Authority to seven (7) and ordaining other matters with respect to the subject matter hereof. (First Reading held January 3, 2012.) Attachment.
 - 2) Ordinance 2012-02 establishing the Weslaco Animal Shelter Advisory Committee, its composition and meeting times, and ordaining other matters with respect to the subject matter hereof. (First Reading held January 3, 2012.) Attachment.
- D. Approval of the request by IDEA Public Schools to utilize Harlon Block Sports Complex on May 26, 2012 from 6:00 a.m. – 12:00 p.m. for a 5K run/walk and community health fair 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. Ratification of Amendment No. 4 to the contract with Texas General Land Office (formerly Texas Department of Rural Affairs Contract No. DRS010201) with change order to revise the project schedule for the generator installation at the Water Treatment Plant and South Waste Water Treatment Plant and authorize the Mayor to execute any related documents. Attachment.
- F. Renewal of the lease agreement with the Weslaco Softball/Baseball League through December 31, 2012 to continue providing organized recreational activities at Softball Fields #1, 2, and 3 and concession stands at Weslaco City Park. Attachment.
- G. Renewal of the lease agreement with the Weslaco Little League through July 31, 2012 to continue providing organized recreational activities at the Isaac Rodriguez Park Multi-purpose, Minor Field and Field #1 and Field #2 at the Harlon Block/Sports Complex and Concession Stands. Attachment.
- H. Declaration as surplus brass casings, acceptance of a check in the amount of \$1,222.06 for their sale, and approval of a budget amendment in the General Fund, line item Equipment, for the purchase of firearms equipment. Attachment.

The Mayor noted that the lease agreement with the Weslaco Softball/Baseball League is through July 31, 2012, not December 31 as stated; also the lease agreement with the Weslaco Little League is for a period of seven months through July 31, 2012. He also requested item C be withheld for further consideration.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve items A, B, D, E, F, G, and H of the consent agenda with changes as noted on the lease agreements. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Ordinances read as follows:

ORDINANCE NO. 2012-01

AN ORDINANCE AMENDING ORDINANCE 77-14 TO INCREASE THE NUMBER OF DIRECTORS OF THE WESLACO HOSPITAL AUTHORITY TO SEVEN (7); AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY OF WESLACO THAT

SECTION I:

Ordinance 77-14, passed and approved on June 21, 1977 and codified in the Weslaco Code of Ordinances as Article V of Chapter 2 is hereby amended to increase the number of Directors to the Weslaco Hospital Authority to Seven (7) so that after Second and Final reading of Ordinance 2012-1 Section 2-160 of Article V of Chapter 2 of the Weslaco Code of Ordinances shall read as follows

Sec. 2-160 Board of Directors

The hospital authority shall be governed by a board of directors consisting of seven members.

SECTION II:

All other provisions of Ordinance 77-14 shall remain unchanged and in full force and effect.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 3rd day of January, 2012

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 17th day of January, 2012.

ORDINANCE 2012-02

AN ORDINANCE CREATING AN ANIMAL SHELTER ADVISORY COMMITTEE: ESTABLISHING THE MAKE-UP OF THE COMMITTEE; ESTABLISHING MEETING TIMES; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY OF WESLACO THAT:

SECTION I

Ordinance 2012-2 establishes an Animal Shelter Advisory Board that will assist the City of Weslaco in complying with the requirements of Chapter 823 of The Texas Health and Safety Code and that will be codified as Division 8 of Chapter 22 of The Code of Ordinances and will read as follows after second and final reading.

Division 8 Animal Shelter

22-188 Advisory Committee

There is hereby established an Animal Shelter Advisory Committee composed of one (1) veterinarian, one(1) City of Weslaco official, one (1) person whose duties include the daily operation of an animal shelter and one (1) representative from an animal welfare organization and one (1)citizen of the City of Weslaco.

22-188 Duties

The Animal Shelter Advisory Committee shall assist the City of Weslaco in complying with the requirements of Chapter 823 of The Texas Health and Safety Code.

22-188 Meetings

The Animal Shelter Committee shall meet at least three (3) times in a calendar year.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 3rd day of January, 2012

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 17th day of January, 2012.

/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 2012-01 appointing a member to an expired term on the Board of Adjustments and Appeals to the Zoning Ordinance. Possible action. (This item was tabled November 15, 2011.) Attachment.

There was no action on this item.

- B. Discussion and consideration to approve Resolution 2012-02 confirming the appointment by the City Manager of a member to an expired term on the Civil Service Commission as per Local Government Code §143.006. Possible action. Attachment.

There was no action on this item.

VI. NEW BUSINESS

- C. Approval of the request from the Weslaco Area Chamber of Commerce to hold the 23rd Annual Texas Onion Fest on Saturday, March 24 and Sunday, March 25, 2012 at the Weslaco City Park on Airport Drive, to sell beer during the event, to place a banner promoting the event at the intersection of Texas and Pike Boulevards for two weeks prior to the event, and to waive all ordinances associated with the event. Attachment.

Withheld from the Consent Agenda for discussion, the Mayor clarified that health and safety ordinances remain in effect for the event.

Commissioner Martinez, seconded by Mayor Pro-Tem Cuellar, moved to approve the item without exemption of any health or safety ordinance. The motion carried unanimously; Mayor Wise was present, but not voting.

- A. Discussion and consideration after public hearing on behalf of Van & Mary G. Moad to approve Ordinance 2012-04 to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 801 S. Missouri Ave., being Lots 25 & 26, Block 1, Orange Grove Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-4 Neighborhood Office District." First Reading of Ordinance 2012-04. Possible action. Attachment.

The City Manager stated staff opposed as it is not in the comprehensive plan; however the Planning and Zoning Commission recommends approval. Commissioner Noriega stated that consideration of signage should be routed through legal and any off-street parking variance should be routed through the Board of Adjustments and Appeals.

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 after public hearing August 2, 2011 to approve a request by Jose Guadalupe Trevino, Jr. to approve Ordinance 2012-05 to amend Zoning Ordinance No. 320 and the City of Weslaco Zoning Map to rezone 512 Santa

Ana Street, also being the West half of Lot 6 and all of Lot 7, Block 2, Lackland Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2012-05. Possible action. (There was no action on this item August 2, 2011; a three-fourths vote of the Commission is required to approve as Planning and Zoning Commission denied the request July 20 and August 17 and over 20% of the property owners within 200 feet of the property protested as per §150-20(d) of the Weslaco Code of Ordinances.) Attachment.

Commissioner Noriega stated the proposed zone is within the Comprehensive Plan and as consistent with the business type; the City Attorney clarified that this is identified as a floating zone, where the activity is isolated, but identified in the Comprehensive Plan. This is not an instance of spot zoning, which is illegal. Commissioner Tafolla noted that he desired to keep the character of the neighborhood whole, transitioning the zone from the perimeter of the zone inward.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve the item as presented; Commissioner Tafolla opposed. The motion carried (4-1); Mayor Wise was present, but not voting.

- C. Discussion and consideration to approve Resolution No. 2012-07 authorizing the submission of the Proposed Annual Work Plan and Budget for the City of Weslaco under Hidalgo County Urban County Program Funding Allocation and accepting the allocation of approximately \$308,702.00 for Year 25 (2012), authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Public hearing held October 18, 2011.) Attachment.

The City Manager stated this is a continuation of last year’s work plan and stated staff recommends approval.

Commissioner Tafolla, 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 Ordinance 2012-03 authorizing the issuance of “City of Weslaco, Texas Tax and Revenue Certificates of Obligation, Series 2012,” entering into a bond purchase agreement and a paying agent/registrar agreement, and other matters related thereto, and authorize the Mayor to execute any related documents. First Reading of Ordinance 2012-03. Possible action. Attachment.

Ms. Anne Burger Entrekin with FirstSouthwest, the City’s financial advisor, stated that the City secured the lowest interest rate since 1967, at 4.1%, which results in \$3 million less in bond debt service. She praised the professionalism of the City’s Commission, staff, and joint presentation which convinced a revised outlook by one rating agency from negative to stable.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve the item as presented on first and as final reading. The motion carried unanimously;

Mayor Wise was present, but not voting.

- E. Discussion and consideration to authorize a budget amendment in the amount of \$34,305.00 from the Elections Department to Code Enforcement (\$30,000.00) for animal shelter expenses and the Public Facilities Department (\$4,305.00) for the acquisition of a vehicle [2001 Ford F-150 Diesel Truck, Vehicle Identification Number (VIN) 1FTNW21F41EB97407 from the Weslaco Police Department]. Possible action. Attachment.

The City Manager stated this reprograms some funds as the elections will be held next fiscal 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.

- F. Discussion and consideration to authorize the use of the Capital Improvement Fund for the rehabilitation of Lift Station No. 36 and authorize a budget amendment as appropriate. Possible action. Attachment.

At the request of Commissioner Martinez, the City Manager confirmed this is a permanent fix, not a band aid solution to the rehabilitation of Lift Station No. 36.

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

- G. Discussion and consideration to authorize a contract with Saenz Utility Contractors for pre-construction services of a construction manager-at-risk project as per §271.118 of the Texas Local Government Code for the emergency rehabilitation of Lift Station 36, authorize budget amendments as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Lift Station 36 declared an imminent threat as per §252.022(a) (2) of the Local Government Code on November 1, 2011; contract authorized December 20, 2011.) Attachment.

Mr. David Salinas clarified for Commission Noriega that the cost of these pre-construction services will not exceed \$2,000.00.

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

- H. Discussion and consideration to authorize staff to solicit proposals and/or to extend the term of the existing 125 Cafeteria Plan policies (optional/voluntary supplemental insurance; i.e., vision, dental, life, cancer, etc.) for City of Weslaco employees for an additional year, April 1, 2012 to March 31, 2013, at no cost to the City. Possible action. Attachment.

City Manager stated staff had some issues with responsiveness by one vendor and

recommended as a best practice to solicit proposals on all policies.

Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to authorized staff to solicit proposals for the 125 Cafeteria Plan policies, including vision, dental, life, and cancer. The motion carried unanimously; Mayor Wise was present, but not voting.

- I. Discussion and consideration to accept a furniture donation of seven (7) study carrels from Gaylord Brothers Inc. at a value of \$16,750.00 for use in the Mayor Joe V. Sanchez Public Library. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented and authorized budget amendment as appropriate. The motion carried unanimously; Mayor Wise was present, but not voting.

- J. Discussion and consideration to approve a professional services contract for legislative assistance with Caballero Governmental Affairs in an amount not to exceed \$60,000.00 per year for a two-year term, February 1, 2012 – January 31, 2014, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. Attachment.

At the request of Commissioner Noriega, the City Manager confirmed the assistance by Caballero Governmental Affairs, including securing \$400,000.00 for the Valley Nature Center, \$1.2 million for the airport widening project, \$550,000.00 for the Boys and Girls Club, and \$600,000.00 for generator acquisition.

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.

- K. Discussion and consideration to approve a development agreement with the Economic Development Corporation for business development at the Weslaco Mid-Valley Airport and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated that the agreement includes construction of three hangars, cost-share of runway widening and one additional staff member.

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.

VII. CITY MANAGER'S REPORT

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

The City Manager reported that renovation of the restroom at City Park is complete; also, staff is considering reopening the recycling center at the south side facility in

April or May with assistance of volunteers from the Lower Rio Grande Valley Development Council. Mr. Bret Mann reported the City is 0.7% over the prorated share of the annual budget; however, November had three pay periods and the City pre-paid some insurance expenses. City calendars are now available for sale.

B. Report on Moody's and Standard & Poor's reports. Attachment.

The City Manager referenced the report by Ms. Anne Burger Entreklin.

C. Report by Parks & Recreation Department.

Mr. Lupe Garcia, Parks & Recreation Director, reported \$48,000.00 in rental revenues since June 2011, when he started with the City. He also reported on renovations at the parks, with a uniform paint scheme, restrooms and sidewalk improvements, including disability access ramps. Upcoming improvements included tilled and seeded fields. He hopes to expand the pool season and add programming at the parks, including Frisbee golf, with a long-term goal of a park on the north side of town.

VIII. PUBLIC COMMENTS

Yolanda Mendez stated she opposed to business being established in the center of her neighborhood; she wants to keep neighborhood as residential otherwise it would be detrimental to the elderly in the community.

Richard Vaughan, treasurer of Aurora House, thanked the Commission and the Police Department for their assistance during the walk-a-thon held at Harlon Block Sports Complex.

IX. EXECUTIVE SESSION

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Pending Litigation – Discussion with City Attorney and assigned Special Counsel Garza & Pena, PLLC regarding Cause No. CCD-0033-F In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva pursuant to §551.071 of the Texas Government Code.

The Commission did not convene in Executive Session. There was no action on this item.

XI. ADJOURNMENT

With no other business before the Commission, at 7:28 p.m. Commissioner Tafolla, seconded by Commissioner Martinez, moved to adjourn the January 17, 2012 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 “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez