



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
MARCH 6, 2012**

On this 6<sup>th</sup> day of March 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	Robert Garza
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; Sonia Flores, Interim 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, March 2, 2012.
- B. Mayoral Proclamations and Recognitions.  
The Mayor presented a proclamation recognizing the one-hundredth anniversary of Girls Scouts.
- C. Invocation.  
Pastor Sonja Dalglisch with First Presbyterian 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 perfect attendance.

**II. PUBLIC HEARING**

Commissioner Garza, seconded by Commissioner Rivera, moved to open the public hearings on the items II. A – D as presented. The motion carried unanimously;

Mayor Wise was present, but not voting.

- A. To solicit input on a request by Trinity Development to approve Ordinance 2012-10 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 409 W. Frost Proof Drive, also being Lots 22 & 23, Frost Proof Heights Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “R-2 Duplex and Apartment District.”

At the request of Commissioner Tafolla, Mr. George Gonzalez clarified this is the location of a former school; Commissioner Tafolla stated he received calls in opposition to this rezone request.

- B. To solicit input on a request by Palm Aire Hotels & Suites to approve a Conditional Use Permit to operate a bar & grill and to obtain a mixed beverage, late hours, and live entertainment permit at 415 S. International Blvd., also being a 7.89 gross acre tract of land out of Farm Tract 1033, Block 135, West Tract Subdivision, Weslaco, Hidalgo County, Texas.

There were no comments received on this item.

- C. To solicit input on a request by A.J. Hanks to approve a Conditional Use Permit to operate a bar & grill and to obtain a mixed beverage late hours permit at 1600 N. Westgate Drive, Suite 300, also being Lot 10, of the Home Depot Subdivision, Weslaco, Hidalgo County, Texas.

Applicant A.J. Hanks clarified the proposed hours of operation to include Sunday, 11 a.m. – midnight.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close the public hearings on the items II. A – C as presented. The motion carried unanimously; Mayor Wise was present, but not voting. Item II. D. remained open for later consideration.

### **III. STATUS REPORTS AND VISITORS WITH BUSINESS**

- A. Boultinghouse Simpson and Associates, Inc. and GAS Enterprises, Inc. on the Environmental Education Center Project as funded by a Texas Parks & Wildlife Grant. (Item as requested by the Mayor.)

The City Manager stated the City is excited about this project, the fruition of a long-standing partnership with the Valley Nature Center. Texas Parks & Wildlife contributes \$400,000.00 and the City commits \$500,000.00 through a construction-manager-at-risk project. Mr. Simpson with Boultinghouse Simpson and Associates, Inc. stated that the Guaranteed Maximum Price is expected March 19, 2012; Mr. Rene Salinas with GAS Enterprises, Inc. assured he is prepping various subcontractors now to formulate bids with preliminary plans. The Mayor expressed concern that as a consequence of severe budget constrictions, the City “may need to let this project go” because it simply cannot afford a half million dollars for a building and another \$200,000.00 for furnishings.

- D. To solicit input in compliance with the Consolidated Plan for Community Planning & Development (CDBG, HOME, ESG) on the City's Budget and Program Amendment under the 25th Urban County Program (Years 2010 and 2011).

At 6:01 p.m., Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to consider item II. D. from its posted sequence in order to comply with the published notice for this public hearing at 6:00 p.m. The motion carried unanimously; Mayor Wise was present, but not voting.

The City Manager indicated this would allow reprogramming of certain Urban County funds for various ongoing projects throughout low-to-moderate portions of the community effective with the upcoming fiscal year in ten months. The City Attorney indicated the City may amend the project allotments later.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close this public hearing at 6:03 p.m. 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 the Minutes of the Regular Meeting of February 21, 2012. Attachment.
- B. Approval on Second and Final Reading the following Ordinances:
- 1) Ordinance 2012-07 to abandon 35' of the 75' drainage easement at the rear of Lots 1 & 2 of Professional & Medical Complex Subdivision Phase I, being a 0.249 acre tract of land out of Farm Tract 17 West Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. (First Reading held February 21, 2012.) Attachment.
  - 2) Ordinance 2012-08, to amend Ordinance 2011-30, Master Fee Schedule, to include fees associated with the service operations for the City of Weslaco Animal Shelter. (First Reading held February 21, 2012.) Attachment.
  - 3) Ordinance 2012-09, to amend Ordinance 93-13, the City Landscaping Code, to provide for the regulation of trees in public utility easements. (First Reading held February 21, 2012.) Attachment.
- C. Approval to utilize Federal Equitable Sharing funds for the amount of \$491.00 to pay Court Cost for one (1) 2001 GMC Truck, vehicle identification number 2GTEC19V111272824 and (1) 1999 GMC Truck vehicle identification number 1GTEK14V3XZ509260 and (4) 22" Ruff racing custom wheels and tires awarded to the City of Weslaco Police Department. Attachment.

- D. Approval of Resolution 2012-28 amending the authorized representatives as designated for TexPool administration. Attachment.

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

For the record, the Ordinances read as follows:

**ORDINANCE NO. 2012-07**

**AN ORDINANCE ABANDONING 35-FEET OUT OF A 75-FOOT DRAINAGE EASEMENT OUT OF LOT 1 AND 2 PROFESSIONAL & MEDICAL COMPLEX SUBDIVISION PHASE I, HIDALGO COUNTY, TEXAS AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:**

**SECTION I.**

It is found and determined by the Weslaco City Commission that the East 35-feet of the 75-foot drainage easement out of Lot 1 and Lot 2 Professional and Medical Complex Subdivision Phase I previously dedicated to the City of Weslaco by subdivision plat is no longer needed by the City of Weslaco for the public purpose it was dedicated for.

**SECTION II.**

The East 35-feet of the 75-foot drainage easement located at the rear of Lot 1 and Lot 2 out of the Professional and Medical Complex Subdivision Phase I, Hidalgo County, Texas, more fully described as follows:

A 0.249 acre (10,850 s.f.) of land tract of out of lots 1 & 2, Professional & Medical Complex Subdivision Phase I, as recorded in instrument number 2108095, map records of Hidalgo County, Texas, and being more particularly described as follows:

Commencing at the Northwest corner of said lot 1, Professional & Medical Complex Subdivision Phase I, thence; East, along the North lot line of said lot 1, a distance of 40.0 feet to a point for a corner, thence south 20.0 feet for the Northwest corner of tract herein described and also being the point of beginning.

Thence; East, parallel to the North lot line of said lot 1, a distance of 35.00 feet the Northeast corner of tract herein described.

Thence; South, parallel to the West lot line of said lot 1, a distance of 150.00 feet to the South lot line of said lot 1 and also being the North lot line of said lot 2 and continuing at the same bearing for a total distance of 310.00 to a point for a corner for the Southeast corner of tract herein described.

Thence; West, parallel to the South lot line of said lot 2, a distance of 35.00 feet to a point for a corner for the Southwest corner of tract herein described.

Thence; North, parallel to the West lot line of said lot 2, a distance of 160.0 feet to the North lot line of said lot 2 and also being the South lot line of said lot 1 and continuing at the same bearing for a total distance of 310.0 to the point of beginning and containing 0.249 acres (10,850 s.f.) of land more or less IS HEREBY ABANDONED.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 21<sup>st</sup> day of February, 2012.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6<sup>th</sup> day of March, 2012.

**ORDINANCE NO. 2012-08**

**AN ORDINANCE AMENDING ORDINANCE 2011-30 ADOPTED ON OCTOBER 4, 2011, THE MASTER FEE SCHEDULE ORDINANCE, TO ESTABLISH NEW FEES; AND ORDAIN OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.**

**BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT:**

**SECTION I.**

Ordinance 2011-30 passed and approved on October 4, 2011 as “The Master Fee Schedule Ordinance” and Codified as Section 2-190 of The Weslaco Code of Ordinances is hereby amended so that after second and final reading Section 2-190 shall read as follows:

**ARTICLE VI. MASTER FEE SCHEDULE**

**Section 2-190. Scheduled established.**

The fee schedule attached as Exhibit “A” to this Ordinance is hereby adopted as if fully forth herein. The fee schedule will go into effect after the second publication as required by the Weslaco City Charter. The City Commission may hereafter amend or replace this fee schedule at anytime.

**SECTION II.**

All other provisions of Ordinance 2011-30 shall remain in full force and effect.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 21<sup>st</sup> day of February, 2012.

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6<sup>th</sup> day of March, 2012

**ORDINANCE 2012-09**

**AN ORDINANCE AMENDING ORDINANCE 93-13, THE CITY OF WESLACO LANDSCAPING ORDINANCE, BY REGULATING TREES IN CITY OF WESLACO RIGHT OF WAYS; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.**

**BE IT ORDAINED BY THE CITY OF WESLACO THAT:**

**SECTION I**

Ordinance 93-13, the City of Weslaco Landscaping Ordinance, passed and approved on September 7, 1993 and codified as Article XI of Chapter 26 of the Weslaco Code of Ordinances, is hereby amended to regulate trees in City of Weslaco Right of Ways so that after second and final reading of this ordinance sections 26-353 and 26-354 shall read as follows:

**Sec. 26-353 Trees in Public Easements**

No trees other than Mexican Olive, Red Buds, Texas Mountain Laurel, Dog Wood, Dwarf Poinciana, Western Red Cedar, and Esperanza may be planted under or within twenty (20) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground public utility line.

**Sec. 26-354 Care of Trees**

- (a) *City’s right to trim and remove.* City reserves the right to prune and remove trees, plants and shrubs within the rights of way of all streets, alleys, avenues, lanes, squares and public grounds as may be necessary for construction, to ensure public safety, to preserve

or enhance the symmetry and beauty of the public area, or to protect utility facilities thereon.

- (b) *Danger trees and unsafe conditions.* City may remove, or cause or order to be removed, any tree, shrub or other vegetation or part thereof which is in an unsafe condition or which by reason of its nature is injurious to or threatens to injure sewers, electric power lines, gas lines, water lines, or other public improvements, or is infected with any injurious fungus, insect or other pest.

**SECTION II**

Codified Section 26-353 shall be renumbered to section 26-355 and codified section 26-354 shall be renumbered section 26-356.

**PASSED AND APPROVED** on first reading at a regular meeting of the City Commission this 21<sup>st</sup> day of February, 2012

**PASSED AND APPROVED** on second reading at a regular meeting of the City Commission this 6<sup>th</sup> day of March, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

For the record, the Resolution reads as follows:



Resolution 2012-28
RESOLUTION AMENDING
AUTHORIZED REPRESENTATIVES

WHEREAS, City of Weslaco

(Participant Name & Location Number)

("Participant") is a local government of the State of Texas and is empowered to delegate to a public funds investment pool the authority to invest funds and to act as custodian of investments purchased with local investment funds; and

WHEREAS, it is in the best interest of the Participant to invest local funds in investments that provide for the preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act; and

WHEREAS, the Texas Local Government Investment Pool ("TexPool/ Texpool Prime"), a public funds investment pool, were created on behalf of entities whose investment objective in order of priority are preservation and safety of principal, liquidity, and yield consistent with the Public Funds Investment Act.

NOW THEREFORE, be it resolved as follows:

- A. That the individuals, whose signatures appear in this Resolution, are Authorized Representatives of the Participant and are each hereby authorized to transmit funds for investment in TexPool / TexPool Prime and are each further authorized to withdraw funds from time to time, to issue letters of instruction, and to take all other actions deemed necessary or appropriate for the investment of local funds.
B. That an Authorized Representative of the Participant may be deleted by a written instrument signed by all remaining Authorized Representatives provided that the deleted Authorized Representative (1) is assigned job duties that no longer require access to the Participant's TexPool / TexPool Prime account or (2) is no longer employed by the Participant; and
C. That the Participant may by Amending Resolution signed by the Participant add an Authorized Representative provided the additional Authorized Representative is an officer, employee, or agent of the Participant;

List the Authorized Representatives of the Participant. Any new individuals will be issued personal identification numbers to transact business with TexPool Participant Services.

1. Name: Leonardo Olivares Title: City Manager
Phone/Fax/Email: Phone: (956) 968-3181, Fax: (956) 968-6672, Email: lolivares@weslacotx.gov
Signature:

2. Name: Sonia Flores Title: Interim Finance Director
Phone/Fax/Email: Phone: (956) 973-3112, Fax: (956) 968-6717, Email: sflores@weslacotx.gov
Signature:

ORIGINALS REQUIRED TEX - REP

TexPool Participant Services • Federated Investors Inc
1001 Texas Ave., Suite 1400 • Houston, TX 77002 • www.texpool.com • 1-866-839-7665

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3. Name: Ramon Vela Title: City Attorney
Phone/Fax/Email: Phone: (956) 968-3181, Email: rvela@weslacotx.gov
Signature:

4. Name: Title:
Phone/Fax/Email:
Signature:

List the name of the Authorized Representative listed above that will have primary responsibility for performing transactions and receiving confirmations and monthly statements under the Participation Agreement.

Name Sonia Flores

In addition and at the option of the Participant, one additional Authorized Representative can be designated to perform only inquiry of selected information. This limited representative cannot perform transactions. If the Participant desires to designate a representative with inquiry rights only, complete the following information.

5. Name: Tom Dimas Title: Fire Inspector III
Phone/Fax/Email: Phone: (956) 447-1990, Email: tdimas@weslacotx.gov

D. That this Resolution and its authorization shall continue in full force and effect until amended or revoked by the Participant, and until TexPool Participant Services receives a copy of any such amendment or revocation. This Resolution is hereby introduced and adopted by the Participant at its regular/special meeting held on the day, 20.

/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 accept the resignation of Lina Lawrence and approve Resolution 2012-09 to fill the unexpired term of one member from Place 1 on the Board of Directors of the Economic Development Corporation of Weslaco ending September 30, 2013. Possible action. (There was no action on this item February 7, 2012.) Attachment.

Commissioner Garza, seconded by Mayor Pro-Tem Cuellar, moved to accept the resignation of Lina Lawrence and to approve Resolution 2012-09 appointing Humberto Garza to an unexpired term on Place 1 of the Economic Development Corporation of Weslaco. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution 2012-09 reads as follows:

**RESOLUTION NO. 2012-09**

**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

**WHEREAS**, the term of a current Economic Development Corporation of Weslaco Member expires on September 30, 2013, and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Humberto Garza is appointed to an unexpired term as a member of Place 1 on the Board of Directors of the Economic Development Corporation of Weslaco to replace Lina Lawrence following her resignation and the term will expire on September 30, 2013.

**PASSED AND APPROVED** on this 7<sup>th</sup> day of February, 2012.

/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 Resolutions 2012-12, 2012-13, 2012-14, 2012-15, and 2012-16, appointing five inaugural members to the Animal Shelter Advisory Committee. Possible action. (There was no action on this item February 21, 2012.) Attachment.

The City Manager explained the City is attempting to set up this inaugural board and suggested each Commissioner nominate one member; the Mayor said that he believes all volunteers should be selected at large because to do otherwise hamstrings qualified expertise; he implored the citizens to apply for service as “the City needs your talent.” There was no action on this item.

- C. Discussion and consideration to approve Resolutions 2012-17, 2012-18, 2012-19, 2012-20, 2012-21, 2012-22, and 2012-23, appointing seven inaugural members to the Public Facilities and Transportation Improvements Naming Committee. Possible action. (There was no action on this item February 21, 2012.) Attachment.

There was no action on this item.

- D. 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. (There was no action on this item February 21, 2012.) Attachment.

There was no action taken on this item.

- E. Discussion and consideration to approve Resolutions 2012-26 and 2012-27 appointing two members to expired terms on the Ambulance Advisory Board. Possible action. Attachment.

There was no action taken on this item.

## **VI. OLD BUSINESS**

- A. Discussion and consideration to award the best qualified, most advantageous bidders for the Short/Long Term Disability and Universal Life policies as Cafeteria 125 Voluntary Insurance for 2012-2013 and authorize these voluntary insurance products to City employees through payroll deductions at no cost to the City. Possible action. (There was no action on these policies February 21, 2012.) Attachment.

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

## **VII. NEW BUSINESS**

- A. Discussion and consideration on behalf of Trinity Development after public hearing to approve Ordinance 2012-10 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 409 W. Frost Proof Drive, also being Lots 22 & 23, Frost Proof Heights Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “R-2 Duplex and Apartment District.” First Reading of Ordinance 2012-10. Possible action. Attachment.

The City Manager stated staff recommends approval; however, Commissioner Tafolla stated he received numerous calls in opposition. He requested additional time for constituents to be present.

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

- B. Discussion and consideration on behalf of Palm Aire Hotels & Suites after public hearing to approve a Conditional Use Permit to operate a bar & grill and to obtain a mixed beverage late hours and live entertainment permit at 415 S. International Blvd., also being a 7.89 gross acre tract of land out of Farm Tract 1033, Block 135, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. Attachment.

The City Manager explained that the hotel changed ownership, prompting reconsideration of the assigned conditional use, and added no comments had been received.

Commissioner Rivera, seconded by Commissioner Tafolla, 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 A.J. Hanks after public hearing to approve a Conditional Use Permit to operate a bar & grill and to obtain a mixed beverage late hours permit at 1600 N. Westgate Drive, Suite 300, also being Lot 10, of the Home Depot Subdivision, Weslaco, Hidalgo County, Texas. Possible action. Attachment.

The City Manager stated that the Planning and Zoning Commission recommended approval with certain conditions for police presence during hours of operation.

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 on behalf of Sergio Becerra Valdes to authorize a variance request for a Wine and Beer Off-Premise Retailer's Permit for Checo's Convenience Store at 1012 East 18<sup>th</sup> Street in accordance with §109.33(e) of the Texas Alcoholic Beverage Code. Possible action. Attachment.

The City Manager stated staff recommended against approval, noting this location is directly across the street from Margo Elementary.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented; Commissioner Noriega opposed. The motion carried (5 – 1); Mayor Wise was present, but not voting.

- E. Discussion and consideration to approve the best qualified, most advantageous bidder for internet services and maintenance of computer equipment within the 2012 Schools and Libraries Program of the Universal Service Fund (ERate), which makes discounts available to eligible libraries for telecommunication services, internet access, and internal connections and authorize the Mayor to execute any related documents. Possible action. Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve Smartcom as the best qualified, most advantageous bidder for internet services and

maintenance of computer equipment within the 2012 Schools and Libraries Program of the Universal Service Fund (ERate), which makes discounts available to eligible libraries for telecommunication services, internet access, and internal connections and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- F. Discussion and consideration to accept additional funding from the Reading Is Fundamental (RIF) grant for FY 2011-2012 with no local match required to support the Summer Reading Program and authorize the Mayor to electronically execute any related documents. Possible action. Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried with Commissioner Garza absent at the time of the vote; Mayor Wise was present, but not voting.

- G. Discussion and consideration to accept notice of the use of Federal forfeiture funds from the Forfeiture Account funds for payment of overtime for Drug Enforcement Agency (DEA) Task Force Officer not to exceed \$10,000.00 for law enforcement investigations and operations that may result in furthering the law enforcement goals and mission and authorize a budget amendment as appropriate. 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.

- H. Discussion and consideration to prioritize street improvement projects and authorize a budget amendment as appropriate in an amount not to exceed \$67,748.96. Possible action. Attachment.

The City Manager stated that a Gatsby 34 inventory of streets was included for reference, indicating the value and depreciation that infrastructure. He added that staff is developing standardized criteria to prioritize street improvements, such as traffic counts; in the absence of such criteria, Ballard, Oklahoma, and Pleasantview south of Business 83 have been identified for repair. He stated no action was requested at this time until staff could return with such criteria and a budget amendment to identify the source of the monetary transfer and align project costs to existing budgets. Following an inquiry from the Mayor Pro-Tem, the City Manager stated certain street rehabilitation projects may be eligible for Community Development Block Grant funds.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to authorize the City Manager and staff to prioritize street improvement projects and prepare a budget amendment as appropriate in an amount not to exceed \$67,748.96. The motion carried unanimously; Mayor Wise was present, but not voting.

- I. Discussion and consideration to approve the best qualified, most advantageous bidder to provide online bill pay portal and interactive voice response (IVR) system. Possible action. Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to award Paymentus as the best qualified, most advantageous bidder to provide online bill pay portal and interactive voice response (IVR) system. The Mayor Pro-Tem inquired if the local vendor Versatile received any preferences in the evaluation criteria. Mr. David Salinas indicated that Paymentus bid \$2.95/transaction and Versatile bid \$4.00+/transaction, both as convenience fees passed on to the customer; in addition to online and phone payment, four kiosks would be placed at various municipal buildings. He offered to make available to the Commission the full bid submittals. Commissioner Tafolla, seconded by Commissioner Rivera, withdrew their motion.

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

- J. Discussion and consideration to ratify the 2013 Clean Water State Revolving Fund and 2013 Drinking Water State Revolving Fund project information forms on Lift Station 35 & 37, South Waste Water Treatment Plant, North Waste Water Treatment Plant, Wastewater Master Plan, and Water Master Plan as submitted to the Texas Water Development Board and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated that staff submitted these forms last week in order to meet the deadline for competitive consideration, applying for \$28.8 million for improvements to the wastewater treatment plants and wastewater master plan.

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 Resolution 2012-29 ratifying the Solid Waste Grant application for fiscal years 2012 and 2013 to the Lower Rio Grande Valley Development Council to fund the operations of the recycle center and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated the City is applying for acquisition of a brush truck at a cost of \$30,000.00 for use in public property and easements.

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.

- L. Discussion and consideration to approve Resolution 2012-30 authorizing staff to prepare and submit a grant application to the U.S. Department of Commerce Economic Development Administration in an amount not to exceed \$900,000.00 with a 25% allocated local match not to exceed \$34,000.00 for a regional comprehensive plan which may include the cities of Donna, Weslaco, Mercedes, La Feria, and Harlingen and authorize the Mayor to execute any related documents. Possible action. Attachment.

The City Manager stated that there were revised figures; however, the Mayor Pro-Tem stated that they may be amended when the Commission accepts the award. The City Manager explained that the cost-share was based on the population of

participating municipalities.

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.

**VIII. CITY MANAGER'S REPORT**

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

The City Manager stated that the nine fully-equipped police pursuit vehicles should arrive April 7; he has interviewed nine finalists for recommendation as Police Chief and hopes to interview three more. He called attention to citrus greening efforts and phone book recycling activities. Ms. Martha Noell reported on preparations for Onionfest scheduled March 24-25. The Mayor requested Public Facilities replace street signs that do not reflect the intent of the original plat, such as Republic to Republica.

**IX. PUBLIC COMMENTS**

Mr. Jim Frederick requested a bike lane on south Business 83.

Mr. Ramon Carreon expressed safety concerns about 18-wheelers parked on city property at farm tract 53.

**X. EXECUTIVE SESSION**

X.

At 7:09 p.m., the Mayor recessed the regular meeting to convene in Executive Session. At 7:55 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 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.

- B. Potential Litigation – Discussion with City Attorney and assigned Special Counsel David Mendez regarding the restrictive covenant on the Knapp Medical Center property as authorized by §571.071 of the Texas Government Code.

There was no action on this item.

- C. Consultation – Consult with the City Manager and City Attorney regarding the possible investigation of the acts and conduct of employees in a City of Weslaco Department pursuant to Article V §19 of the Weslaco City Charter and §551.071 (2) of the Texas Government Code.

There was no action on this item.

- VII.** E. Discussion and consideration to approve the best qualified, most advantageous bidder for internet services and maintenance of computer equipment within the 2012 Schools and Libraries Program of the Universal Service Fund (ERate), which makes discounts available to eligible libraries for telecommunication services, internet access, and internal connections and authorize the Mayor to execute any related documents. Possible action. Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Garza, moved to reconsider item VII. B. as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve Smartcom as the best qualified, most advantageous bidder for internet services and Insight as the best qualified, most advantageous bidder for maintenance of computer equipment within the 2012 Schools and Libraries Program of the Universal Service Fund (ERate), which makes discounts available to eligible libraries for telecommunication services, internet access, and internal connections and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

**XII. ADJOURNMENT**

With no other business before the Commission, at 7:56 p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the March 6, 2012 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

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**COMMISSIONER**, Gerardo “Jerry” Tafolla

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**COMMISSIONER, Lupe V. Rivera**

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**COMMISSIONER, Joe A. Martinez**