



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
APRIL 3, 2012**

On this 3rd day of April 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
City Manager	Leonardo Olivares
City Secretary	Elizabeth Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Sonia Flores, Interim Finance Director; David Salinas, Public Utilities Director; Oscar Garza, Public Facilities Director; Fire Marshal Tom Dimas; 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 Thursday, March 29, 2012.
- B. Mayoral Proclamations and Recognitions.
The Mayor presented a proclamation recognizing Telecommunicators' Week.
- C. Invocation.
The Mayor 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 the absence of Commissioner Martinez.

II. PUBLIC HEARINGS

- A. To solicit input on a request by Oscar S. Reyes to approve a Conditional Use Permit and variance request to obtain a beer and wine and late hours permit at 318 W. Pike Blvd., also being Lot 2, Block 1, Palm Plaza Shopping Center Subdivision Unit I, Weslaco, Hidalgo County, Texas.

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

The City Manager stated that the Planning and Zoning Commission recommended conditional on the presence of a peace officer on duty Wednesday – Saturday. There were no other comments received.

- B. To solicit input on a request by Javier Pena to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1629 Cypress Drive, also being Lots 1, 2, & 3, Westgate Village Mobile Home Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.”

There were no comments received.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to close the public hearings on both items as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

III. STATUS REPORTS AND VISITORS WITH BUSINESS

- A. Frank Espinoza with AEP Texas on Smart Meter Deployment. Attachment.

Mr. Espinoza was not present; however, the City Manager stated that AEP is replacing meters throughout the Mid-Valley and more information would be placed on the City’s website.

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 following:
 - 1) Regular Meeting of March 20, 2012;
 - 2) Special Meeting of March 27, 2012.(Requested by City Secretary’s Office.) Attachment.
- B. Authorization of an exemption to *Weslaco Code of Ordinances §102-12 Duration* to allow the sale by mobile vendors for eleven days, six days beyond that permissible by established ordinance, by a carnival sponsored by Heart of America Shows at 502 E. Expressway 83 on April 5 - April 15, 2012. (Commission approved different dates on March 20, 2012; Requested by Planning & Code Enforcement Department.) Attachment.
- C. Approval of the request to close Texas Boulevard/FM 88 from Business 83 to Eighteenth Street from 7:00 a.m. to 12:00 p.m. September 30, 2012 for a for a charitable run/walk to benefit Lou Lou Reyna’s Lifeline Foundation, 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. (Requested by Parks & Recreation Department). Attachment.

- D. Approval of the request to close Texas Boulevard/FM 88 from Third to Fourth Streets from 3:00 p.m. to 10:00 p.m. April 26, May 24, and June 21, 2012 with alternate rain dates one week later for a block party entitled *Al Fresco Weslaco – Jazz on the Street* coordinated by the Economic Development Corporation of Weslaco, authorizing the sale of wine and beer by a Texas Alcoholic Beverage licensed vendor, 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. (Requested by Police Department). Attachment.

Commissioner Garza, seconded by Mayor Pro-Tem Cuellar, moved to approved all items 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 2012-16, appointing one inaugural member to the Animal Shelter Advisory Committee. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated four of five appointments to this committee had been made; the remaining appointment is for one representative from an animal welfare organization. The City Secretary noted that Ms. Sandra Reyna had filed an application with proof of active membership in the ASPCA and is present.

Commissioner Garza, seconded by Mayor Pro-Tem Cuellar, moved to approve Resolution 2012-16 appointing Sandra Reyna as one inaugural member to the Animal Shelter Advisory Committee. The motion carried unanimously; Mayor Pro-Tem Cuellar was present, but not voting.

For the record, the Resolution read as follows:

**RESOLUTION NO. 2012-16
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE ANIMAL SHELTER ADVISORY COMMITTEE**

WHEREAS, 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 will be codified as Division 8 of Chapter 22 of The Code of Ordinances; and

WHEREAS, 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; and

WHEREAS, The Animal Shelter Advisory Committee will be 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.; and

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this Committee will hold office for a term length staggered as assigned; and

WHEREAS, the Animal Shelter Advisory Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Sandra Reyna is appointed to the Animal Shelter Advisory Committee for a term as assigned.

PASSED AND APPROVED on this 3rd day of April, 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 2012-17, 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. (Requested by Public Facilities Department; There was no action on this item March 20, 2012.) Attachment.

There was no action on this item.

VI. OLD BUSINESS

- A. Discussion and consideration on behalf of Trinity Development after public hearing held March 6, 2012 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. (Requested by Planning & Code Enforcement Department; There was no action on this item March 20 as it died from lack of a second.) Attachment.

The Mayor stated the developer withdrew request for consideration. There was no action on this item.

VII. NEW BUSINESS

- A. Discussion and consideration on behalf of Oscar S. Reyes to approve a Conditional Use Permit and variance request to obtain a beer and wine and late hours permit at 318 W. Pike Blvd., also being Lot 2, Block 1, Palm Plaza Shopping Center Subdivision Unit I, Weslaco, Hidalgo County, Texas in accordance with §109.33(e) of the Texas Alcoholic Beverage Code. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated both the Planning and Zoning Commission and staff recommend approval. Mr. George Gonzalez stated that though the beer and wine permit may meet the threshold for administrative authorization, the applicant brings to the Commission a request for a conditional use permit for late hours and live music; the Mayor stated he believes it is the legislative intent of the Ordinances to monitor all taverns through conditional use permits.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to deny this item

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

- B. Discussion and consideration on behalf of Javier Pena to approve Ordinance 2012-11 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1629 Cypress Drive, also being Lots 1, 2, & 3, Westgate Village Mobile Home Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.” First Reading of Ordinance 2012-11. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated the Planning and Zoning Commission recommend approval, as does he, because of the development of Westgate Drive as an industrial corridor; however, staff recommends denial as it enforces the comprehensive plan. Mr. George Gonzalez added that had this property been on the other side of the street, it would be consistent with the comprehensive plan; however, as submitted, it would constitute “spot zoning,” which is illegal.

The Mayor Pro-Tem stated it may be timely to revise the comprehensive plan; Commissioner Tafolla called the motion to question, then withdrew his call.

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

- C. Discussion and consideration on behalf of E.M. and James A. Payne to approve the Final Plat of Freedom Park Subdivision, being a 36.23 acre tract of land, Lot 2, Freedom Park Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated that this should help develop the largest auto sales lot south of San Antonio; Planning and Zoning Commission recommends approval with both variances; however staff is opposed. Mayor stated that as the item does not include any reference to variances as posted, there can be no action on it; he apologized for the error.

There was no action on this item.

- D. Discussion and consideration on behalf South Texas College to approve the Final Plat of S.T.C. Mid-Valley Subdivision, being 51.68 acre tract of land situated in the Juan Jose Ynojosa de Balli Survey, and being all of STCC Mid-Valley Center Subdivision and all of Lots 11 & 12, Pike-Snead Addition, and all of WDC Subdivision, and part of Farm Tract 1509 of the West and Adams Tracts and part of Lot 4 of the Park Addition, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

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

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

- E. Discussion and consideration on behalf of Tomas Rangel to approve the Final Plat of Rangel No. 2 Subdivision, being the North 5.0 acres of Farm Tract 24, in the West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The Mayor stated that as this item does not reference any variances as posted, similar to item VII. C, there can be no action. He stated a special meeting may be called to address these items.

There was no action on this item.

- F. Discussion and consideration to waive the criteria requirements specified in Ordinance 2011-16, codified as Article VIII §82.201-204, and to approve Resolutions 2012-32, 2012-33, and/or 2012-34 assigning and/or changing the names of the following municipal facilities:

- 1) A Baseball Field at Weslaco City Park
- 2) The Boardroom at the Mayor Joe V. Sanchez Public Library
- 3) The Weslaco Mid-Valley Airport

(Requested by the City Manager; a three-fourths vote of the Commission is required to waive the criteria.) Possible action.

There was no action on this item.

- G. Discussion in consideration to approve the Affiliation and Program Agreement for Clinical Experience between Weslaco Fire/EMS and Willacy County EMS at no cost to the City and authorize the Mayor to execute any related documents. Possible action. (Requested by Fire Department.) Attachment.

There was no action on this item.

- H. Discussion in consideration to approve the purchase of Jet Cam Ultra with Digital Video Recorder (DVR), a video system to assess utility infrastructure, from Buy Board Contract sole source vendor Texas Municipal Equipment, Inc. and approve a budget amendment for a total amount not to exceed \$18,099.00. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated that in the past, the City borrowed this equipment from Mercedes and Edinburg; however, as the City strives to modernize its operations, it now seeks to procure its own.

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

VIII. CITY MANAGER'S REPORT

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

The City Manager reported that the trash collector at the airport lost its TCEQ certification, which means the airport cannot accept international flights until a new vendor is in place. The Mayor inquired about the Finance Director position and Commissioner Noriega inquired about the Planner vacancy.

- B. Report on Sponsored Projects. Attachment.

The City Manager referenced the report as enclosed.

- C. Report on the Emergency Operations Center.

There was no report.

IX. PUBLIC COMMENTS

There were no public comments.

X. EXECUTIVE SESSION

At 6:12 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 6:41 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 – Consult with Special Counsel regarding CL-11-0877-A, *Adjusters International 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 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.

There was no action on this item

XII. ADJOURNMENT

With no other business before the Commission, at 6:41 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to adjourn the April 3, 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

COMMISSIONER, Robert J. Garza

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera

(absent)
COMMISSIONER, Joe A. Martinez