



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

On this 17th 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	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; Elvia Rios, Interim Human Resources Director; David Salinas, Public Utilities Director; Oscar Garza, Public Facilities Director; Erasmo Lozano, Public Facilities Assistant Director; Fire Chief Jimmy Cuellar; Jorge Gonzalez, Planning & Code Enforcement Director; Arnold Becho, Library Director; Lupe Garcia, Parks & Recreation Director; George Garrett, Airport Director; and several other staff members and citizens.

I. CALL TO ORDER

- A. Certification of Public Notice.
Mayor Pro-Tem Cuellar called the meeting to order and certified the public notice of the meeting as properly posted Friday, April 13, 2012.
- B. Mayoral Proclamations and Recognitions.
Mayor presented proclamations recognizing Earth Day, Crime Victims Awareness Week, and the Rio Bravo Gala honorees.
- C. Invocation.
Pastor Rene Vega with Mid-Valley Assembly of God Church delivered the invocation.
- D. Pledge of Allegiance.
Mayor Wise with Boy Scout Troop 100 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. STATUS REPORTS AND VISITORS WITH BUSINESS

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

Mr. Frank Espinoza reported on the rollout of electric smart meters for all AEP accounts in Weslaco, with expected completion in June 2012. These meters are equipped with two-way radio devices that reduce the need to enter the yard to read the meter and improve accuracy of each reading. Door hangers will be placed prior and following installation.

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

Mr. Hernan Gonzalez reported that Chuck E. Cheese's submitted its building plans to the City; the Lower Rio Grande Valley Development Council desires to expand its facility by exercising its purchase option; another company is moving to Weslaco because of the location of the Council of Governments here. Similarly, Motion Industries is relocating to Weslaco from Brownsville and the EDC itself should complete its move into the new complex by May 1. Sales tax revenue is 16% over last year.

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

Ms. Martha Noell reported that an estimated 10,627 people attended OnionFest, up 3,000 over last year. However, this year featured an additional day. Revenue was \$104,000 with expenses \$94,000; the balance will be reserved for next year's event. She also reported on recent Leadership Mid-Valley activities, school presentations, and social media promotions.

III. 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 April 3, 2012. (Requested by City Secretary's Office.) Attachment.

- B. Approval of the renewal of the Interlocal Agreement with Texas A&M University-Kingsville, Resolution 2012-35 reappointing David Salinas as representative to the Lower Rio Grande Valley – Texas Pollutant Discharge Elimination System Stormwater Regional Task Force, a membership fee not to exceed \$11,025.00, authorization of a budget amendment as appropriate, and authorization of the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment.

- C. Acceptance of a \$1,000.00 donation from American Electric Power Texas (AEP) for baseball park improvements and authorization of a budget amendment as appropriate. (Requested by Finance Department.) Attachment.

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

For the record, the Resolution reads as follows:

RESOLUTION NO. 2012-35

STATE OF TEXAS § **APPOINTMENT OF A REPRESENTATIVE TO THE**
§ **REGIONAL TASK FORCE AS ESTABLISHED BY**
COUNTY OF HIDALGO § **INTERLOCAL AGREEMENT WITH TEXAS A & M**
§ **UNIVERSITY-KINGSVILLE**
CITY OF WESLACO §

WHEREAS, the City of Weslaco will provide one representative to the Lower Rio Grande Valley – Texas Pollutant Discharge Elimination System Stormwater Regional Task Force as chosen by majority vote of the City Commission and as evidenced by this adopted resolution; and

WHEREAS, this appointment is pursuant to the terms, rights, and duties as stated in the Interlocal Agreement with Texas A & M University Kingsville; and

WHEREAS, the City of Weslaco’s representative will serve a term not to exceed one (1) calendar year or past December 31st, whichever occurs first, but may be reappointed by the City Commission through written notification for an additional one (1) year term; and

WHEREAS, the City of Weslaco’s representative will be subject to the bylaws, policies, rules, and procedures of the Task Force. Any breach or violation of such bylaws, etc., may result in expulsion of the representative from the Task Force. If expulsion occurs, the City of Weslaco will appoint another representative no later than thirty (30) calendar days after notice of the expulsion.

NOW THEREFORE BE IT RESOLVED by the City Commission of the City of Weslaco that David Salinas is reappointed to serve a one (1) year term as described.

VOTED, PASSED AND APPROVED on this 17th 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

IV. NEW BUSINESS

- A. Discussion and consideration to approve Ordinance 2012-12 amending §11 of Ordinance 320, codified as the Zoning Ordinance, to provide a definition of a tavern consistent with Texas Alcoholic Beverage Commission (TABC) regulations. Possible action. (Requested by the Mayor.) Attachment.

The Mayor stated this ordinance as proposed standardizes the language to be consistent with the Texas Alcoholic Beverage Commission and ensures then each Commissioner may review all requests for on-premise beer and wine retailers permits.

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.

- B. Discussion and consideration to authorize a Development Agreement with the Economic Development Corporation of Weslaco (EDC) authorizing the EDC to provide an amount not to exceed \$175,000.00 to the City to benefit the Environmental Education Center project at the Valley Nature Center and authorize the Mayor to execute any related documents. Possible action. (Requested by Economic Development Corporation.) Attachment.

The City Manager stated that staff had reviewed and recommended approval.

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 to approve a bus advertising contract with Valley Metro in an amount not to exceed \$12,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by City Manager.) Attachment.

The City Manager stated this should promote shopping in Weslaco with promotion on the sides of buses; this should not affect the general fund as he proposes use of hotel/motel funds instead.

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

V. CITY MANAGER'S REPORT

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

The City Manager stated that the certificate of occupancy issues at City Hall had been resolved; the Economic Development Corporation shared in the cost of compliance. He separately provided a report prepared by the Texas Attorney General's Office on the ethics of gift acceptance.

- B. Report on the Emergency Operations Center.

Mr. George Garrett provided an overview of the Emergency Management Plan, which includes the basic plan and 22 annexes. He stated more than half of city employees are trained in the National Incident Management System (NIMS). Commissioner Rivera urged a shelter within the municipality; Mr. Garrett responded that Red Cross recently returned to the table to assist the City in identifying and operating shelters. Commissioner Tafolla inquired about generators; Mr. Garrett indicated there are some strategically placed throughout municipal facilities, including lift stations, but due to budget constraints there are none at City Hall. The Emergency Operations Center, therefore, is located at the Public Facilities building.

VI. PUBLIC COMMENTS

There were no public comments.

VII. EXECUTIVE SESSION

At 6:42 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:11 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

**VIII. 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.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to authorize Special Counsel to settle CL-11-0877-A, *Adjusters International v. City of Weslaco* as discussed. The motion carried unanimously; Mayor Wise was present, but not voting.

- 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.

IX. ADJOURNMENT

With no other business before the Commission, at 7:12 p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the April 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