



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
JUNE 19, 2012**

On this 19th day of June 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; Gloria Givilancz, Assistant Finance Director; David Salinas, Public Utilities Director; Oscar Garcia, Public Facilities Director; Interim Police Chief Michael Kelly; Fire Chief Jimmy Cuellar; Arnold Becho, Library Director; Lupe Garcia, Parks & Recreation Director; George Garrett, Airport Director; and Jeff Underwood and Milo Salinas on behalf of the Planning & Code Enforcement Department, 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, June 15, 2012
- B. Invocation.
Pastor Manuel Portillo from the First Baptist Church delivered the invocation.
- C. Pledge of Allegiance.
Mayor Pro-Tem Cuellar recited the Pledge of Allegiance and the Texas Flag.
- D. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting the absence of Commissioner Garza and the arrival of Mayor Wise at 5:45 p.m., immediately following the presentation of status reports.

II. 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 billboard as places on the Expressway

advertising industrial properties, the groundbreaking for Chuck E. Cheese, the rebar delay at the Valley Nature Center for new construction, the grand opening of Sun Blast comics in downtown, the ribbon cutting for the event center, the move and expansion of Texas Health Care Imaging, and the renovations at the Palm Aire hotel. He also reported that sales tax revenues are up 7% over last year.

- B. Martha Noell, President/CEO of the Weslaco Area Chamber of Commerce, regarding monthly chamber activities. Attachment.

Ms. Noell provided sample advertisements as in circulation, including the bus wrap and a local map. She also reported that Leadership Mid-Valley concludes its annual program next week with a graduation ceremony; the Weslaco Beautiful committee is preparing upcoming seminars; and though May is typically a slow month, 178 visitors stopped at their center, the highest ever for that month.

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 following Minutes:
1) Regular Meeting of June 5, 2012;
2) Special Meeting of June 11, 2012.
(Requested by City Secretary's Office.) Attachment.
- B. Acceptance of a \$3,700.00 donation from H-E-B for baseball park improvements and authorization of a budget amendment as appropriate. (Requested by Finance Department.) Attachment.
- C. Acceptance of a donation from the U.S. Customs and Border Protection - Progreso Station of a 21' X 41' metal covered canopy with storage room to be placed at the Weslaco Police Department firing range. (Requested by Police Department.) Attachment.
- D. Approval of the closure of Texas Boulevard/FM88 between Third and Fifth Streets on the following Thursdays: July 19, August 23, and September 20, 2012 between 3:00 pm and 10:00 pm 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 Economic Development Corporation). Attachment.

- E. Approval of the renewal of the Affiliation and Program Agreement for Clinical Experience between Weslaco Fire/EMS and Texas State Technical College and authorize the Mayor to execute any related documents. (Requested by the Fire Department.) Attachment.
- F. Approval of a renewal of a lease agreement with the Weslaco Softball/Baseball League, August 1 – December 31, 2012, for use of City Park softball and baseball fields and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.

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

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2012-43 appointing one member to an expired term on the Weslaco Hospital Authority. Possible action. (Requested by City Secretary’s Office.) Attachment.

The Mayor Pro-Tem clarified this vacancy is considered the Mayor’s appointment. The Mayor, seconded by Mayor Pro-Tem, moved to approve Resolution 2012-43 reappointing Frank Garza as a member to his expired term on the Weslaco Hospital Authority. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2012- 43

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO HOSPITAL AUTHORITY.

WHEREAS, in accordance with the Hospital Authority Act, Article 4437e-1, Vernon’s Annotated Civil Statutes, Texas Health and Safety Code §262.001 et seq. the Weslaco City Commission (The Governing Body) found and determined that a Hospital Authority be authorized and created, with such Hospital Authority to be known as the “Weslaco Hospital Authority”; and

WHEREAS, the purpose of this Authority is to promote new, expanded or improved health facilities in order to assist the maintenance of the public health and the public welfare.

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this board will hold office for a term of no more than two (2) years; and

WHEREAS, the Weslaco Hospital Authority members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Francisco J. Garza is appointed to serve the expired term of member Francisco J. Garza on the Weslaco Hospital Authority and the term will expire on the date of June 19, 2014.

PASSED AND APPROVED on this 19th day of June, 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 2012-44, 2012-45, 2012-46, 2012-47, 2012-48, 2012-49, and 2012-50, appointing seven inaugural members to the Water Conservation Management Committee. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager recommended that the Commission appoint various entities, which may then designate a representative to serve on this inaugural committee.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to approve the Resolutions appointing the following entities, which may then designate a representative to serve on this Water Conservation Management Committee: Military Highway Water Supply Corporation, North Alamo Water Supply Corporation, Knapp Medical Center, Weslaco Independent School District, Public Utilities Department, Parks & Recreation Department, and one at-large community representative. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2012-44
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE WATER CONSERVATION MANAGEMENT COMMITTEE

WHEREAS, State Law pertaining to public water suppliers are required by rule to develop drought contingency plans, V.T.C.A., Water Code § 11.1272; also drought contingency plans for municipal uses by public water suppliers, 30 Tex. Admin. Code § 288.20; and

WHEREAS, Ordinance 2008-27 adopted such a plan for the City of Weslaco in the Water Conservation and Emergency Water Demand Management Plan as codified as §138-89 in Part II Code of Ordinances Chapter 138 – Utilities Article III Water Conservation and Emergency Management; and

WHEREAS, there shall be seven (7) members in the Water Conservation Management Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco; and

WHEREAS, the Water Conservation Management Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of Military Highway Water Supply Corporation is appointed to the Water Conservation Management Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

RESOLUTION NO. 2012-45
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE WATER CONSERVATION MANAGEMENT COMMITTEE

WHEREAS, State Law pertaining to public water suppliers are required by rule to develop drought contingency plans, V.T.C.A., Water Code § 11.1272; also drought contingency plans for municipal uses

by public water suppliers, 30 Tex. Admin. Code § 288.20; and

WHEREAS, Ordinance 2008-27 adopted such a plan for the City of Weslaco in the Water Conservation and Emergency Water Demand Management Plan as codified as §138-89 in Part II Code of Ordinances Chapter 138 – Utilities Article III Water Conservation and Emergency Management; and

WHEREAS, there shall be seven (7) members in the Water Conservation Management Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco; and

WHEREAS, the Water Conservation Management Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of North Alamo Water Supply Corporation is appointed to the Water Conservation Management Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

**RESOLUTION NO. 2012-46
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE WATER CONSERVATION MANAGEMENT COMMITTEE**

WHEREAS, State Law pertaining to public water suppliers are required by rule to develop drought contingency plans, V.T.C.A., Water Code § 11.1272; also drought contingency plans for municipal uses by public water suppliers, 30 Tex. Admin. Code § 288.20; and

WHEREAS, Ordinance 2008-27 adopted such a plan for the City of Weslaco in the Water Conservation and Emergency Water Demand Management Plan as codified as §138-89 in Part II Code of Ordinances Chapter 138 – Utilities Article III Water Conservation and Emergency Management; and

WHEREAS, there shall be seven (7) members in the Water Conservation Management Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco; and

WHEREAS, the Water Conservation Management Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of Knapp Medical Center is appointed to the Water Conservation Management Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

**RESOLUTION NO. 2012-47
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE WATER CONSERVATION MANAGEMENT COMMITTEE**

WHEREAS, State Law pertaining to public water suppliers are required by rule to develop drought contingency plans, V.T.C.A., Water Code § 11.1272; also drought contingency plans for municipal uses by public water suppliers, 30 Tex. Admin. Code § 288.20; and

WHEREAS, Ordinance 2008-27 adopted such a plan for the City of Weslaco in the Water

Conservation and Emergency Water Demand Management Plan as codified as §138-89 in Part II Code of Ordinances Chapter 138 – Utilities Article III Water Conservation and Emergency Management; and

WHEREAS, there shall be seven (7) members in the Water Conservation Management Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco; and

WHEREAS, the Water Conservation Management Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of Weslaco Independent School District is appointed to the Water Conservation Management Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

**RESOLUTION NO. 2012-48
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE WATER CONSERVATION MANAGEMENT COMMITTEE**

WHEREAS, State Law pertaining to public water suppliers are required by rule to develop drought contingency plans, V.T.C.A., Water Code § 11.1272; also drought contingency plans for municipal uses by public water suppliers, 30 Tex. Admin. Code § 288.20; and

WHEREAS, Ordinance 2008-27 adopted such a plan for the City of Weslaco in the Water Conservation and Emergency Water Demand Management Plan as codified as §138-89 in Part II Code of Ordinances Chapter 138 – Utilities Article III Water Conservation and Emergency Management; and

WHEREAS, there shall be seven (7) members in the Water Conservation Management Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco; and

WHEREAS, the Water Conservation Management Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of the Public Utilities Department is appointed to the Water Conservation Management Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

**RESOLUTION NO. 2012-49
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE WATER CONSERVATION MANAGEMENT COMMITTEE**

WHEREAS, State Law pertaining to public water suppliers are required by rule to develop drought contingency plans, V.T.C.A., Water Code § 11.1272; also drought contingency plans for municipal uses by public water suppliers, 30 Tex. Admin. Code § 288.20; and

WHEREAS, Ordinance 2008-27 adopted such a plan for the City of Weslaco in the Water Conservation and Emergency Water Demand Management Plan as codified as §138-89 in Part II Code of Ordinances Chapter 138 – Utilities Article III Water Conservation and Emergency Management; and

WHEREAS, there shall be seven (7) members in the Water Conservation Management Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco; and

WHEREAS, the Water Conservation Management Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of Parks & Recreation Department is appointed to the Water Conservation Management Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

**RESOLUTION NO. 2012-50
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE WATER CONSERVATION MANAGEMENT COMMITTEE**

WHEREAS, State Law pertaining to public water suppliers are required by rule to develop drought contingency plans, V.T.C.A., Water Code § 11.1272; also drought contingency plans for municipal uses by public water suppliers, 30 Tex. Admin. Code § 288.20; and

WHEREAS, Ordinance 2008-27 adopted such a plan for the City of Weslaco in the Water Conservation and Emergency Water Demand Management Plan as codified as §138-89 in Part II Code of Ordinances Chapter 138 – Utilities Article III Water Conservation and Emergency Management; and

WHEREAS, there shall be seven (7) members in the Water Conservation Management Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco; and

WHEREAS, the Water Conservation Management Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT one at-large community representative is appointed to the Water Conservation Management Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- C. Discussion and reconsideration 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 April 3, 2012.) Attachment.

The City Manager recommended a similar action as taken on the preceding inaugural committee.

Resolutions appointing the following entities, which may then designate a representative to serve the Public Facilities and Transportation Improvements Naming Committee: Elks Club, Knights of Columbus, Rotary Club, Weslaco Area Chamber of Commerce, Economic Development Corporation of Weslaco, Parks Advisory Board, and Library Board. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2012-17
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE PUBLIC FACILITIES AND TRANSPORTATION
IMPROVEMENTS NAMING COMMITTEE

WHEREAS, Ordinance 2011-16 establishes a process and criteria for naming Public Facilities and Transportation Improvements, and creates a Public Facilities and Transportation Improvements Naming Committee which will be codified in the City of Weslaco Code of Ordinances as Article VIII of Chapter 82, Section 82-201-204 and Titled “Public Facilities and Transportation Improvements Naming Policy;” and

WHEREAS, there shall be seven (7) members in the Public Facilities and Transportation Improvements Naming Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for staggered three (3) years; and

WHEREAS, The Public Facilities and Transportation Improvements Naming Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of Elks Club is appointed to The Public Facilities and Transportation Naming Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

RESOLUTION NO. 2012-18
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE PUBLIC FACILITIES AND TRANSPORTATION
IMPROVEMENTS NAMING COMMITTEE

WHEREAS, Ordinance 2011-16 establishes a process and criteria for naming Public Facilities and Transportation Improvements, and creates a Public Facilities and Transportation Improvements Naming Committee which will be codified in the City of Weslaco Code of Ordinances as Article VIII of Chapter 82, Section 82-201-204 and Titled “Public Facilities and Transportation Improvements Naming Policy;” and

WHEREAS, there shall be seven (7) members in the Public Facilities and Transportation Improvements Naming Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for staggered three (3) years; and

WHEREAS, The Public Facilities and Transportation Improvements Naming Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of Knights of Columbus is appointed to The Public Facilities and Transportation Naming Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

**RESOLUTION NO. 2012-19
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE PUBLIC FACILITIES AND TRANSPORTATION
IMPROVEMENTS NAMING COMMITTEE**

WHEREAS, Ordinance 2011-16 establishes a process and criteria for naming Public Facilities and Transportation Improvements, and creates a Public Facilities and Transportation Improvements Naming Committee which will be codified in the City of Weslaco Code of Ordinances as Article VIII of Chapter 82, Section 82-201-204 and Titled “Public Facilities and Transportation Improvements Naming Policy;” and

WHEREAS, there shall be seven (7) members in the Public Facilities and Transportation Improvements Naming Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for staggered three (3) years; and

WHEREAS, The Public Facilities and Transportation Improvements Naming Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of Rotary Club is appointed to The Public Facilities and Transportation Naming Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

**RESOLUTION NO. 2012-20
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE PUBLIC FACILITIES AND TRANSPORTATION
IMPROVEMENTS NAMING COMMITTEE**

WHEREAS, Ordinance 2011-16 establishes a process and criteria for naming Public Facilities and Transportation Improvements, and creates a Public Facilities and Transportation Improvements Naming Committee which will be codified in the City of Weslaco Code of Ordinances as Article VIII of Chapter 82, Section 82-201-204 and Titled “Public Facilities and Transportation Improvements Naming Policy;” and

WHEREAS, there shall be seven (7) members in the Public Facilities and Transportation Improvements Naming Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for staggered three (3) years; and

WHEREAS, The Public Facilities and Transportation Improvements Naming Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of Weslaco Area Chamber of Commerce is appointed to The Public Facilities and Transportation Naming Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

**RESOLUTION NO. 2012-21
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE PUBLIC FACILITIES AND TRANSPORTATION
IMPROVEMENTS NAMING COMMITTEE**

WHEREAS, Ordinance 2011-16 establishes a process and criteria for naming Public Facilities and Transportation Improvements, and creates a Public Facilities and Transportation Improvements Naming Committee which will be codified in the City of Weslaco Code of Ordinances as Article VIII of Chapter 82, Section 82-201-204 and Titled “Public Facilities and Transportation Improvements Naming Policy;” and

WHEREAS, there shall be seven (7) members in the Public Facilities and Transportation Improvements Naming Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for staggered three (3) years; and

WHEREAS, The Public Facilities and Transportation Improvements Naming Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of Economic Development Corporation of Weslaco is appointed to The Public Facilities and Transportation Naming Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

**RESOLUTION NO. 2012-22
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE PUBLIC FACILITIES AND TRANSPORTATION
IMPROVEMENTS NAMING COMMITTEE**

WHEREAS, Ordinance 2011-16 establishes a process and criteria for naming Public Facilities and Transportation Improvements, and creates a Public Facilities and Transportation Improvements Naming Committee which will be codified in the City of Weslaco Code of Ordinances as Article VIII of Chapter 82, Section 82-201-204 and Titled “Public Facilities and Transportation Improvements Naming Policy;” and

WHEREAS, there shall be seven (7) members in the Public Facilities and Transportation Improvements Naming Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for staggered three (3) years; and

WHEREAS, The Public Facilities and Transportation Improvements Naming Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of Parks Advisory Board is appointed to The Public Facilities and Transportation Naming Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

**RESOLUTION NO. 2012-23
A RESOLUTION OF THE CITY OF WESLACO APPOINTING MEMBERS
TO THE PUBLIC FACILITIES AND TRANSPORTATION
IMPROVEMENTS NAMING COMMITTEE**

WHEREAS, Ordinance 2011-16 establishes a process and criteria for naming Public Facilities and Transportation Improvements, and creates a Public Facilities and Transportation Improvements Naming Committee which will be codified in the City of Weslaco Code of Ordinances as Article VIII of Chapter 82, Section 82-201-204 and Titled “Public Facilities and Transportation Improvements

Naming Policy;" and

WHEREAS, there shall be seven (7) members in the Public Facilities and Transportation Improvements Naming Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for staggered three (3) years; and

WHEREAS, The Public Facilities and Transportation Improvements Naming Committee members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT a representative designee of Library Board is appointed to The Public Facilities and Transportation Naming Committee for a term as assigned.

PASSED AND APPROVED on this 19th day of June, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

V. OLD BUSINESS

- A. Discussion and consideration after public hearings November 1 and 15, 2011 to adjust, if necessary, any redistricting plan, to approve Resolution 2012-42 adopting a Single Member Commissioner District redistricting plan, and to authorize legal counsel to seek Voting Rights Act Section 5 preclearance of the adopted plan. Possible action. (Requested by David Mendez, assigned Special Counsel; This item was tabled June 11, 2012.) Attachment.

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

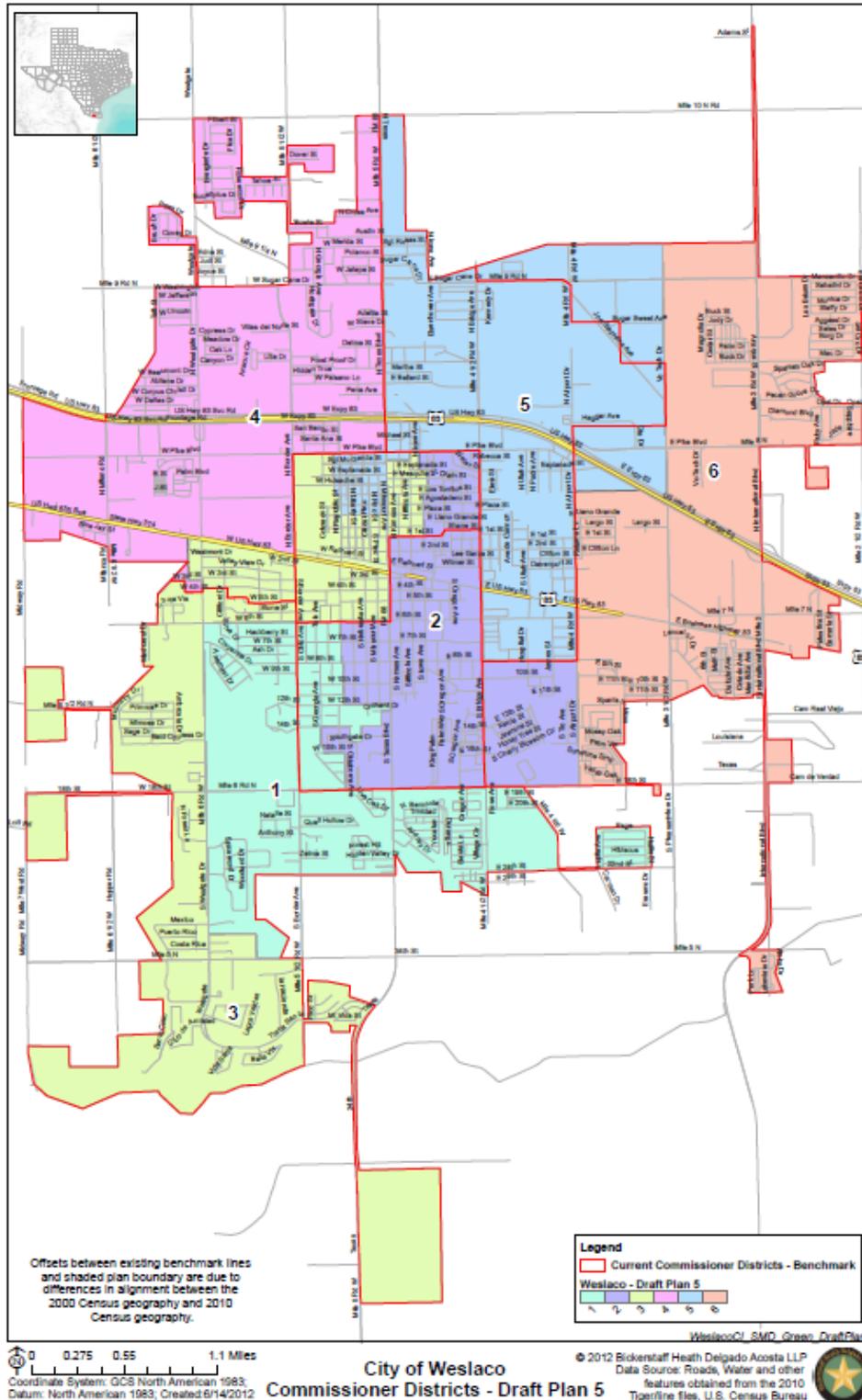
In the absence of Special Counsel David Mendez, City Attorney Ramon Vela that five plans have been submitted for consideration, all of which meet the criteria necessary for submission. The next step, after adoption by the Commission, is to seek preclearance from the Department of Justice as candidates file next month for a November election.

The Mayor confirmed that under Senate Bill 100, the Commission may extend terms to four years, though it may prompt a charter referendum election; the Mayor Pro-Tem stated a legal opinion may be sought on that option prior to calling the next election.

Commissioner Noriega expressed strong opposition to draft map #5 as proposed and presented a PowerPoint comparison, evaluating the differences between the current district and the draft map #5 in redistricting. Namely, she highlighted that the geographic size of District 3 would increase from one square mile to 5.06 X 2.15 miles and would add 61.75% new people. Also, she noted as a result of draft map #5 that 3,276 people would be disenfranchised from 2012 to 2014 because they would be reassigned a different district, resulting in a wait until that district's turn to elect

their choice of commissioner.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve Resolution 2012-42 adopting Single Member Commissioner District redistricting plan #5 as presented, and to authorize legal counsel to seek Voting Rights Act Section 5 preclearance of the adopted plan. The motion carried with Commissioner Noriega opposed (4-1); Mayor Wise was present, but not voting.



For the record, the Resolution reads as follows:

RESOLUTION NO. 2012-42

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS, APPROVING THE REDISTRICTING OF THE CITY'S SINGLE-MEMBER COMMISSION DISTRICTS AND ESTABLISHING NEW DISTRICT BOUNDARY LINES BASED ON 2010 CENSUS DATA FOR WESLACO CITY COMMISSION ELECTIONS; DIRECTING THE CITY'S REDISTRICTING CONSULTANT TO SUBMIT THE ADOPTED PLAN FOR PRECLEARANCE UNDER SECTION 5 OF THE FEDERAL VOTING RIGHTS ACT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the results of the 2010 federal Census have been considered and indicate that the City of Weslaco's single-member commission districts are sufficiently out of population balance to require redistricting in order to comply with the "one-person, one-vote" (equal population) principle established by the U.S. Constitution; and

WHEREAS, the City of Weslaco (the "City") engaged the law firm of Bickerstaff Heath Delgado Acosta LLP to act as the City's redistricting consultant, including advising and assisting the City Commission in preparation of a new redistricting plan in compliance with applicable requirements of state and federal law; and

WHEREAS, on June 21, 2011, the City Commission adopted redistricting criteria to assist the City and the public in developing redistricting plans which comply with applicable federal and state laws, and the adopted redistricting criteria were applied in the development of the City's new redistricting plan; and

WHEREAS, on June 21, 2011, the City Commission also adopted redistricting guidelines regarding the submission of comments and proposed plans by the public, to ensure the ability of the City to timely receive and adequately consider them; and

WHEREAS, during the redistricting process the City provided notice to the public of its proposed discussions and development of a redistricting plan through meeting agendas posted in compliance with the Texas Open Meetings Act, notices on the City's website, and publication of newspaper notices regarding public hearings; and

WHEREAS, the City Commission has considered the proposed redistricting plan at a City Commission meeting on September 6, 2011 and at public hearings held on November 1, 2011 and November 15, 2011, and has considered oral testimony, written comments, reports from the City's redistricting consultant, and various proposed plans regarding the appropriate reconfiguration of the commissioner districts; and

WHEREAS, the City Commission finds that the attached city commission district redistricting plan is in the best interest of the citizens of the City, complies with the adopted redistricting criteria, and is believed to comply with all state and federal requirements, including requirements for preclearance under Section 5 of the federal Voting Rights Act;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

A. That the existing single-member commission district boundary lines for the City of Weslaco are hereby amended, and the new districting plan depicted on the map attached hereto as **Exhibit A**, defining new districts, as such new districts are further described in the tables attached hereto as **Exhibit B** reporting populations and demographic statistics for each such new district, is hereby adopted and designated to define the City's six single-member commission districts from and after the Effective Date; that **Exhibits A and B** are incorporated by reference in and made a part of this RESOLUTION, and shall be kept on file in the City Secretary's Office; and, further, that the City's redistricting consultant is hereby authorized and directed to submit the adopted plan to the United States Department of Justice for preclearance under the Section 5 of the Voting Rights Act.

B. That this RESOLUTION shall take and be given effect immediately upon preclearance of the adopted plan under Section 5 of the Voting Rights Act; and that thereafter all Weslaco City Commission elections shall be held under and in accordance with the new single-member commission district districting plan here adopted by the City Commission and precleared by the Department of Justice, until such time as a subsequent lawfully-enacted districting plan shall be adopted to replace this plan and has been precleared under Section 5 or its successor statute, as applicable.

PASSED AND APPROVED by the City Commission of the City of Weslaco, Texas this 19th day of June, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

VI. NEW BUSINESS

- A. Discussion and reconsideration 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 Commissioners Tafolla and Rivera; this item was denied April 3 following public hearing.) Attachment.

The City Manager stated nineteen property owners had been notified; staff cannot support this rezone request because of its duty to enforce the comprehensive plan as previously adopted by the Commission.

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

Following an inquiry from Commissioner Noriega whether this proposed action constituted an illegal act of spot zoning, Mr. Jeff Underwood, representing the Planning Department, stated his opinion is that this is not an incident of spot zoning because the comprehensive plan is meant to evolve. Commissioner Tafolla called the item to question.

Commissioner Tafolla, 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 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

Possible action. (Requested by Commissioner Rivera and Tafolla, expanded by City Manager; a three-fourths vote of the Commission is required to waive the criteria. There was no action on this item April 3.) Attachment.

There was no action on this item.

- C. Discussion and consideration to approve the 2012 Interlocal Agreement with the County of Hidalgo for the implementation of the Community Development Block Grant (CDBG) under Grant No. B-12-UC-48-0501 setting the City's allotment at \$308,702.00 for activities to be implemented in the City's jurisdiction and authorize the Mayor to execute any related documents. Possible action. (Requested by City Secretary's Office.) Attachment.

The City Manager identified the activities to be implemented through this agreement.

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.

- D. Discussion and consideration to authorize the utilization of Federal Equitable Sharing funds in an amount not to exceed \$18,000.00 to purchase equipment (e.g. duty gear) and an amount not to exceed \$1,400.00 to purchase equipment for the Criminal Investigators (e.g. duty gear) and authorize budget amendments as appropriate. Possible action. (Requested by Police Department.) Attachment.

The City Manager explained that forfeiture funds would be used to acquire the list of gear as provided.

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

- E. Discussion and consideration to accept funding in the amount of \$9,737.39 from the Lower Rio Grande Valley Regional Advisory Council V from the State Trauma Fund and authorize a budget amendment as appropriate. Possible action. (Requested by Fire Department.) Attachment.

The City Manager clarified that no local funds are required as any cost share.

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 authorize the purchase of LED warning lights for Emergency Medical Services (EMS) units of the Weslaco Fire Department in an amount not to exceed \$737.00 and two (2) dual band VHF/800 frequency radios for the command staff of the Weslaco Fire Department in an amount not to exceed \$9,000.00 through the funds donated by the Lower Rio Grande Valley Regional Advisory Council and authorize a budget amendment as appropriate. Possible action.

(Requested by Fire Department.) 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.

- G. Discussion and consideration to approve an Interlocal Agreement with the Lower Rio Grande Valley Development Council (LRGVDC) authorizing the City of Weslaco to serve as the “pass-through” applicant and the LRGVDC as the “sub-grantee” in an grant application to the Hazard Mitigation Grant Program with the Texas Division of Emergency Management for two radio transmitters for activation of a Spanish All-Hazards service across the region at no cost to the City and authorize the Mayor to execute any related documents. Possible action. (Requested by City Manager’s Office.) Attachment.

Mr. Louie Sanchez, chief of staff for state Senator Eddie Lucio, Jr., and Mr. Ken Jones, executive director of the Lower Rio Grande Valley Development Council, explained that funding is available for this initiative through the Hazard Mitigation Grant Program; however, as eligibility is restricted to government entities, the Development Council seeks Weslaco as the pass-through applicant. They assured that the Rio Grande Valley Partnership had pledged to fill any recurring costs or local match through corporate sponsorships.

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.

- H. Discussion and consideration to approve a lease agreement with the Rio Valley Youth Soccer Association (RVYSA), July 1 – December 31, 2012, for use of City Park soccer fields and authorize the Mayor to execute any related documents. Possible action. (Requested by Parks & Recreation Department.) Attachment.

Mr. Joe Bazan, president of the RVYSA, assured that the organization has been incorporated since 1983.

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

- I. Discussion and consideration to approve final payment and closeout with Meridian Solar for the solar panel array project at the South Waste Water Treatment Plant, Contract No. 10-56080, authorize a budget amendment as appropriate and authorize the mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager commented that the City “has been a long time getting here,” now selling surplus power generated back into the grid. A ribbon cutting is planned.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve the

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

- J. Discussion and consideration to reschedule the next regular meeting of the Weslaco City Commission from Tuesday, July 3, 2012 to Monday, July 2, 2012 in accordance with Ordinance 2011-05. Possible action. (Requested by City Manager's Office.) Attachment.

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 Amendment No. 1 to the Lease Agreement with the Lower Rio Grande Valley Development Council for a 50/50 cost share of roofing improvements at 119 E. 5th Street, Weslaco in an amount not to exceed \$20,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment.

Mr. Ken Jones stated that the Lower Rio Grande Valley Development Council is willing to pay its share, but cannot commit programmatic dollars without a lease agreement amendment in place.

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 ratify the reprogramming of a grant award #CS-0193 from the State Energy Conservation Office (SECO) in the amount of \$86,000.00 for air conditioning retrofits at City facilities, authorize a contract amendment for a time extension as needed, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated this is the second State Energy Conservation Office (SECO) grant awarded, originally committed to the solar array project but retrofits at City Hall and the Public Facilities building now seem a better use; SECO approves the change.

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.

VII. CITY MANAGER'S REPORT

- A. Report on Departmental Update, Financial Status, Upcoming Meetings, Media Reports, and Public Feedback. Attachment.

The City Manager announced ongoing movies in the Park and stated that he has

finalists to recommend to the Commission for Chief of Police consideration and appointment.

B. Report by Library Department.

Mr. Arnold Becho, Library Director, reported on the emerging role of libraries in response to the internet, boasting the largest collection of downloadable audiobooks and e-books in the Rio Grande Valley. More than 1,100 children are enrolled in the Summer Reading Program. Expenditures are down 20% and hours of operation are up 18%. He stated that it would be most beneficial to programming and circulation to restore the position of Youth Services Coordinator because the loss of that personnel resulted in a direct loss in engagement. He encouraged volunteers at the library and within the friends group.

VIII. PUBLIC COMMENTS

There were no comments received.

IX. EXECUTIVE SESSION

At 7:17 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:12 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

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.

There was no action taken 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.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to authorize defense counsel to proceed with negotiations toward a possible settlement as discussed. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Pending Litigation – Discussion with City Attorney regarding C-1371-11-I, Juan Daniel Martinez v. City of Weslaco pursuant to §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to authorize counsel to act on behalf of the City as discussed. The motion carried unanimously;

Mayor Wise was present, but not voting.

XI. ADJOURNMENT

With no other business before the Commission, at 8:14 p.m. Commissioner Martinez, seconded by Commissioner Tafolla, moved to adjourn the June 19, 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