



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, SEPTEMBER 18, 2012**

On this 18<sup>th</sup> day of September 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
Special Attorney	Humberto Silva

Also present: Rey Garcia, IT Director; Gloria Givilancz, Interim Finance Director; David Salinas, Public Utilities Director; Interim Police Chief Michael Kelly; Assistant Fire Chief Rudy Garza; Arnold Becho, Library 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, September 14, 2012.

B. Invocation.

Pastor Bob Slade from the Love of Christ Lutheran Church delivered the invocation.

C. Pledge of Allegiance.

Mayor Wise 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. The City Manager noted the attendance of Mr. Humberto Silva, sitting in the absence of City Attorney Ramon Vela.

**II. 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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 September 5, 2012; (Requested

by City Secretary's Office.) Attachment.

- B. Approval of the Interlocal Agreement payment to Texas A&M University-Kingsville for the preparation of a Texas Pollutant Discharge Elimination System Stormwater Permit Application as described in "Exhibit A. Scope of Services" in the amount not to exceed \$4,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment.
- C. Approval to renew a contract with the Texas Department of Transportation Aviation Division for maintenance of the Automated Weather Observation Station (AWOS) through Vaisala on a 50/50 cost sharing basis for a total payment by the City of \$1,850.00 and authorize the Mayor to execute any related documents. (Requested by Airport.) Attachment.
- D. Approval of the 2013 Calendar Year City of Weslaco Holiday Schedule. (Requested by Human Resources Department.) Attachment.
- E. Acceptance of a Utility Easement Dedication for Midway Court Subdivision, also being a 0.068 of one acre of land out of Farm Tract 644, Block 177, West and Adams Tract Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. (Requested by Planning & Code Enforcement Department.) Attachment.
- F. Approval of the renewal of the Failure to Appear Program contract offered by the Driver License Division under the Transportation Code Chapter 706 and authorize the Mayor to execute any related documents. (Requested by Municipal Court.) Attachment.
- G. Approval of the request to host the second annual IDEA Wellness 5K run/walk and community health fair as tentatively scheduled for Saturday, February 16, 2013 at Harlon Block Sports Complex from 5:00 a.m. to noon and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation for proposed street closure affecting state right-of-way. Attachment.
- H. Approval of the request to suspend Weslaco City Code of Ordinances §22-24 for the limited use of live animals and authorize the sale of wine and beer to a Texas Alcoholic Beverage Commission (TABC) licensed vendor on October 13, 2012 for the *Eighth Annual Pan de Campo Fundraiser* coordinated by the Weslaco Museum of Local History and Cultural Art. (Requested by Museum). Attachment.
- I. Approval of the request to close Texas Boulevard/FM 88 from Third to Fifth Streets from 3:00 p.m. to 10:00 p.m. on the third (3rd) Thursday of the month from October 2012 to September 2013, with alternate date due to inclement weather the following Thursday, 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 Commission (TABC) 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 the Economic Development Corporation.) Attachment.

J. Approval of the amendment to the Mid Valley Youth Soccer League Contract to approve the use of the Soccer Fields at the Harlon Block Sports Complex Park and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.

K. Approval of the Movies in the Park contract with Martin Garcia at the Weslaco City Park for September 22, 2012, and authorize the Mayor to execute any related documents. (Requested by Parks & Recreation Department.) Attachment.

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

### **III. APPOINTMENTS**

A. Discussion and consideration to approve Resolutions 2012-58, 2012-59, and 2012-60 to fill the expired terms of three members on the Parks & Recreation Advisory Board. Possible action. (One member appointed September 5, 2012; Requested by the Parks & Recreation Department.) Attachment.

Commissioner Martinez, seconded by Commissioner Rivera, moved to approve Resolution 2012-58 appointing Rolando Robles as a member of the Park & Recreation Advisory Board. The motion carried unanimously; Mayor Wise was present, but not voting.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve Resolution 2012-59 appointing Edward Mejia as a member of the Park & Recreation Advisory Board. The motion carried unanimously; Mayor Wise was present, but not voting.

Commissioner Martinez, seconded by Commissioner Rivera, moved to approve Resolution 2012-60 appointing Greg Ayala as a member of the Park & Recreation Advisory Board. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolutions read as follows:

#### **RESOLUTION NO. 2012-58**

##### **A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PARKS & RECREATION ADVISORY BOARD.**

**WHEREAS**, the City of Weslaco has established the Parks & Recreation Advisory Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

**WHEREAS**, the terms of the members of this board are for three years; and

**WHEREAS**, the Parks & Recreation Advisory Board members shall serve without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Rolando Robles is appointed to serve a three year term on the Parks & Recreation Advisory Board and the term will begin on September 19, 2012 and end on September 20, 2015.

**PASSED AND APPROVED** on this 18<sup>th</sup> day of September 2012.

**RESOLUTION NO. 2012-59**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PARKS & RECREATION ADVISORY BOARD.**

**WHEREAS**, the City of Weslaco has established the Parks & Recreation Advisory Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

**WHEREAS**, the terms of the members of this board are for three years; and

**WHEREAS**, the Parks & Recreation Advisory Board members shall serve without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Edward Mejia is appointed to serve a three year term on the Parks & Recreation Advisory Board and the term will begin on September 19, 2012 and end on September 20, 2015.

**PASSED AND APPROVED** on this 18<sup>th</sup> day of September 2012.

**RESOLUTION NO. 2012-60**

**A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PARKS & RECREATION ADVISORY BOARD.**

**WHEREAS**, the City of Weslaco has established the Parks & Recreation Advisory Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

**WHEREAS**, the terms of the members of this board are for three years; however, following the restructuring of this Board to consist of seven members, this term shall be assigned for two years so that terms are staggered such that no quorum of members expires simultaneously; and

**WHEREAS**, the Parks & Recreation Advisory Board members shall serve without compensation; and

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Greg Ayala is appointed to serve a two year term on the Parks & Recreation Advisory Board and the term will begin on September 19, 2012 and end on September 20, 2014.

**PASSED AND APPROVED** on this 18<sup>th</sup> day of September 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 2012-61, 2012-62, and 2012-63 to fill the expired terms of three members from Places 3, 6, and at-large, respectively, on the Board of Directors of the Economic Development Corporation of Weslaco. Possible action. (Requested by the Economic Development Corporation of Weslaco.) Attachment.

The Mayor requested the reappointment of Mike Givilancz for Place 7 at large. Commissioner Martinez, seconded by Commissioner Rivera, moved to approve Resolution 2012-63 appointing Mike Givilancz as the at large member on the Board of Directors of the Economic Development Corporation of Weslaco. The motion carried unanimously; Mayor Wise was present, but not voting.

Commissioner Noriega thanked Arval Moses for his service; however, due to redistricting, he is ineligible to continue to represent Place 3. Commissioner Noriega, seconded by Commissioner Martinez, moved to approve Resolution 2012-61 appointing Mari Fuentes-Martin as member representing Place 3 on the Board of Directors of the Economic Development Corporation of Weslaco. The motion carried unanimously; Mayor Wise was present, but not voting.

Commissioner Martinez, seconded by Commissioner Tafolla, moved to approve Resolution 2012-62 appointing Fidel Pena as member representing Place 3 on the Board of Directors of the Economic Development Corporation of Weslaco. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolutions read as follows:

**RESOLUTION NO. 2012-61**

**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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Mari Fuentes-Martin is appointed to a term as a member of the Board of Directors of the Economic Development Corporation of Weslaco from Place 3 and the term will expire on September 30, 2015.

**PASSED AND APPROVED** on this 18<sup>th</sup> day of September, 2012.

**RESOLUTION NO. 2012-62**

**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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Fidel Pena is appointed to a term as a member of the Board of Directors of the Economic Development Corporation of Weslaco from Place 6 and the term will expire on September 30, 2015.

**PASSED AND APPROVED** on this 18<sup>th</sup> day of September, 2012.

**RESOLUTION NO. 2012-63**

**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

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT** Mike Givilancz is appointed to a term as a member on Place 7 of the Board of Directors of the Economic Development Corporation of Weslaco and the term will expire on September 30, 2015.

**PASSED AND APPROVED** on this 18<sup>th</sup> day of September, 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 after public hearings September 5 and September 11, 2012 to approve Ordinance 2012-24 adopting an ad valorem property tax rate, assessed at the same rate as last year, \$0.6967/\$100.00 valuation, pursuant to §26.05(d) of the Texas Tax Code on all taxable property within the City of Weslaco, Texas for the Tax Year 2012, fixing the tax rate for the use and support of the general government and for the interest and sinking fund for the redemption of bonds and other indebtedness of the City of Weslaco, providing for the assessment of annual occupation taxes provided by law, and fixing a lien on all taxable property. First reading of Ordinance 2012-24. Possible action. (Requested by Finance Department.) Attachment.

Mayor Pro-Tem Cuellar , seconded by Commissioner Tafolla, moved to approve; however, the City Manager requested no action on this item until the meeting September 27, 2012. Mayor Pro-Tem Cuellar and Commissioner Tafolla each withdrew his motion.

There was no action on this item.

- B. Discussion and consideration after public hearing May 1, 2012 on behalf of Scott Baxter to approve Ordinance 2012-13 amending Ordinance 320 and the City of

Weslaco Zoning map to rezone 1725 S. Texas Blvd., also being 13.468 acres of land out of Farm Tracts 675 and 679, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District” and authorize the Mayor to execute any related documents. First reading of Ordinance 2012-13. Possible action. (There was no action on this item May 1, 2012; A three-fourths vote of the Commission is required to approve as over 20% of the property owners within 200 feet of the property protested as per §150-20(d) of the Weslaco Code of Ordinances; Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated forty-five property owners had been notified; of those, more than twenty-percent opposed. However, Planning and Zoning as well as staff recommend approval with certain conditions to be included in the plat notes. Mr. Randy Summers, representative of the developer and neighbor to the property, stated the conditions pertain to lighting, signage, and buffer considerations.

The Mayor expressed concern that the ordinance to restrict development is not yet in place and the developer could subsequently file a restraining order to do as they will with the thirteen acres; he believes it is imprudent to pass at this time. The Mayor Pro-Tem stated he has not heard back from those who initially opposed and stated there is still time to present the green space ordinance and there remains the potential to deny on second reading.

Commissioner Tafolla, seconded by Commissioner Martinez, moved to approve the item as presented with certain conditions to be included in the plat notes. Commissioner Noriega opposed; the motion carried with the requisite three-fourths vote (4-1); Mayor Wise was present, but not voting. Counsel clarified that the Mayor does not vote.

- C. Discussion and consideration to enter into an interlocal agreement with the Lower Rio Grande Valley Development Council (LRGVDC) for the permanent transfer of equipment purchased with a Metropolitan Medical Response System (MMRS) grant for the Weslaco contingent of the Regional Medical Response Team, 12 battery powered emergency lighting systems and two 15,000 watt portable generators for a total value of \$16,000.00 and authorize the Mayor to execute any related documents Possible action. (Requested by Airport.) Attachment.

The City Manager stated this is a 100% grant and noted some non-substantive changes to the contract.

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

- D. Discussion and consideration to approve the incentive and the Development Agreement between the Economic Development Corporation of Weslaco and the Payne Auto Group and to authorize the Mayor to execute any related documents. Possible action. (Commission authorize the incentive February 7, 2012; Requested by the Economic Development Corporation.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item contingent on receipt of \$60,000 to the City. The motion carried unanimously; Mayor Wise was present, but not voting

**V. REPORTS**

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

The City Manager stated that staff is negotiating the OMI, Republic Services, and Police and Fire Collective Bargaining Agreements.

- B. Report on General Election of November 6, 2012.

The City Secretary reported that due to some discrepancies in boundaries subsequent to all political entities redistricting this year, some voters may be assigned multiple polling locations or even polling locations outside City limits. These discrepancies may be corrected next year, when the County may realign its boundaries; meanwhile, she encouraged early voting, when citizens will be assigned the appropriate ballot by individual, rather than precinct.

- C. Report by the Economic Development Corporation. Attachment.

Mr. Hernan Gonzalez reported on behalf of the Economic Development Corporation about the ongoing development of Chuck E. Chees, Casa Apartments, South Texas College, El Cid Hair Design, and Marines Bakery. Efforts are underway to design a hike and bike trail to unify the City parks and Al Fresco Weslaco continues the third Thursday of the month. Sales tax revenue is 18% ahead of last year.

- D. Report by the Weslaco Area Chamber of Commerce. Attachment.

Ms. Martha Noell reported that the Winter Texan population decreased last season as Baby Boomers retire differently than their predecessors. Advertisements are in print to promote local event and meeting facilities, including the Palm Aire, Villa de Cortez, and the completion of the grand hall at the Business, Visitor, and Event Center. Promotion will continue of the three local nature sites. Leadership Mid Valley is accepting applications for the upcoming session through tomorrow.

**VI. PUBLIC COMMENTS**

Ms. Lizette Limon commented on the neglect of certain neighborhoods at the expense of others.

Mr. Martin Garcia thanked the Commission for supporting Movies at the Park, which he initiated at his own expense.

**VII. EXECUTIVE SESSION**

The Commission did not convene in Executive Session.

**VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED  
IN EXECUTIVE SESSION**

- A. Land Acquisition – Discussion with the City Manager regarding the purchase and acquisition of real property located in the City of Weslaco as authorized by §551.072 of The Texas Government Code.

There was no Executive Session; subsequently, there was no action on this item.

**IX. ADJOURNMENT**

With no other business before the Commission, at 6:46 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to adjourn the September 18, 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

(absent)

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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