



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, OCTOBER 16, 2012**

On this 16th day of October 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, 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, October 12, 2012.
- B. Invocation.
Rev. Howard Bloomquist from the Central Christian Fellowship 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.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 following:

- 1) Special Meeting of September 27, 2012;
 - 2) Regular Meeting of October 2, 2012;
- (Requested by City Secretary's Office.) Attachment.

- C. Approval of Resolution 2012-66 to accept the \$15,000.00 grant for the 2012 Local Border Security Program (LBSP). (Requested by Police Department.) Attachment.
- D. Approval of the request from the Weslaco Independent School District to place a banner promoting this as a 21st Century Learning Community at the intersection of Texas and Pike Boulevards and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Requested by Weslaco Independent School District.) Attachment.

Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the consent agenda as presented. Commissioner Tafolla requested items B.1. and B.2. be withheld from the consent agenda for discussion.

Commissioner Rivera, seconded by Commissioner Martinez, amended their motion to approve consent agenda items A, C, and D as presented. The motion carried; Mayor Wise was present, but not voting.

For the record, the Resolution read as follows:

RESOLUTION NO. 2012-66

A RESOLUTION TO ACCEPT A GRANT FOR THE 2012 LOCAL BORDER SECURITY PROGRAM IN THE AMOUNT OF \$15,000.00

WHEREAS, The City of Weslaco finds it in the best interest of the citizens of the City of Weslaco that the LOCAL BORDER SECURITY PROGRAM be operated for the fiscal year 2012 in the amount of \$15,000.00; and

WHEREAS, The City of Weslaco agrees to provide for the said project as required by the LOCAL BORDER SECURITY PROGRAM FY 2012; and

WHEREAS, The City of Weslaco agrees that in the event of loss or misuse of the Criminal Justice Division funds, the City of Weslaco assures that the funds will be returned to the Criminal Justice Division in full; and

WHEREAS, The City of Weslaco designates Mayor Miguel Wise as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT The City of Weslaco approves to accept a grant for the 2012 LOCAL BORDER SECURITY PROGRAM to the Office of the Governor of the State of Texas, Criminal Justice Division, in the amount of \$15,000.00.

Passed and approved this 16th day of October, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

III. APPOINTMENTS

- A. Discussion and consideration to remove one member and approve Resolution 2012-64 appointing one member to that unexpired term on the Planning and Zoning Commission. Possible action. (There was no action on this item October 2, 2012; Requested by Planning & Code Enforcement Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to remove Rolando Noriega as member and approve Resolution 2012-64 appointing Humberto Chavez as a member to the unexpired term on the Planning and Zoning Commission.

The Mayor clarified that the removal was not based on attendance; Mr. Joe Pedraza stated that one member missed his third meeting last month, but this has not yet been brought to the attention of the City Manager for consideration by the Commission. The City Manager stated that the Commission may wish to consider the term length so to stagger the expirations of the members, as it had done previously with the Parks and Recreation Advisory Board.

The motion carried with Commissioner Noriega abstaining; Mayor Wise was present, but not voting.

For the record, the Resolution read as follows:

RESOLUTION NO. 2011-64

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PLANNING AND ZONING COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances.

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

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Humberto Chavez is appointed to serve an unexpired term of Rolando Noriega on the Planning and Zoning Commission Board and your term will commence this 16th day of October, 2012 and expire on the 11th day of December 2014.

PASSED AND APPROVED on this 16th day of October, 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

- B. Approval on Second and Final Reading of the following:

- 1) Ordinance 2012-20 amending Ordinance 2011-28, establishing brush rates to be charged for the brush collection service to reflect accurate cost of service,

establishing that all business, commercial, industrial, and mobile home/recreation industrial and mobile home/recreational vehicle parks shall be responsible for disposing of their own brush, and other matters as ordained. (First reading held September 27, 2012; Requested by Public Utilities Department.) Attachment.

- 2) Ordinance 2012-21 amending §12 of Ordinance No. 397 to establish new residential, commercial, and industrial solid waste rates, requiring commercial containers in some instances, establishing a rate to be charged for commercial containers, and ordaining other matters with respect to the subject matter hereof. (First reading held September 27, 2012; Requested by Public Utilities Department.) Attachment.

The City Manager stated that by its agreement with the City, Republic Services may increase its rates up to five percent each year as a cost of service adjustment; however, at this time, the City is still negotiating and may not need to increase rates. There was no action on this item.

- A. Discussion and consideration to approve Resolution 2012-65 in support of the proposed drainage system upgrades to the Hidalgo County Drainage District #1. Possible action. (Requested by the Mayor.) Attachment.

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

For the record, the Resolution read as follows:

RESOLUTION NO. 2012-65

**RESOLUTION IN SUPPORT OF THE HIDALGO COUNTY DRAINAGE DISTRICT #1
BOND REFERENDUM FOR COUNTYWIDE DRAINAGE IMPROVEMENTS.**

WHEREAS, Hidalgo County Drainage District #1 was created on April 9, 1908 by Order of the Commissioners' Court of Hidalgo County, Texas pursuant to an election held within the territory affected on March 24, 1908; and

WHEREAS, originally organized under provisions of Article III, Section 52 of the Constitution of Texas, the District was later converted to a Conservation and Reclamation District, under the provisions of Article XVI, Section 59 of the Texas Constitution; and

WHEREAS, since its creation, the Board of Commissioners has been made up of the County Judge and four County Commissioners; and

WHEREAS, Hidalgo County Drainage District has completed excavation of over 200 miles of drainage ditches and related structures since its creation; and

WHEREAS, in connection with the Master Drainage System, the Drainage District #1 maintains and operates 767 square miles of drainage system, 13 pumps stations and 15 weir structures and completed excavation of over 800 miles of drainage ditches; and has constructed over 120 bridges and/or crossings and the State Department of Transportation constructed approximately 65 bridges and/or crossings; and

WHEREAS, the Hidalgo County Drainage system has been affected throughout the years not only by urban population growth, land mass expansion, and deterioration; it has also been greatly impacted by

storm systems that have affected the county by way of hurricanes and other major rain events; and

WHEREAS, much needed repairs, upgrades, and projects are required within the county's drainage infrastructure in order to better serve and protect the public and municipalities which Hidalgo County serves; and

WHEREAS, the Hidalgo County Drainage District #1 board in 2011 appointed a Drainage Advisory Committee comprised of 25 citizens from various segment of the community and on June 2012 the committee made a formal recommendation to the Drainage District #1 board to call a bond referendum to fund 25 specific drainage improvement projects that increase the outflow of storm water throughout the system; and

WHEREAS, Hidalgo County believes that these upgrades can be completed as identified by the Drainage District and the Drainage Advisory Committee and on August 14 approved a resolution to call a \$184 million bond for the funding of 25 specific drainage improvement projects to be placed on the November 6 general election ballot; and

WHEREAS, these funds include \$15 million for Rural Drainage Development, \$10 million for the Delta Area Watershed Development Project and \$100 million in bonds for the construction of an independent segment of the Raymondville Drain; and

WHEREAS, Hidalgo County recognizes the timing is optimum given that interests rates for borrowing money are at all time low and legislation exists that allows for federal reimbursements for construction of up to 90% of the estimated \$100 million that will be used for the construction of the Raymondville Drain project; and

WHEREAS, Hidalgo County recognizes that the development of these drainage projects will have a tremendous positive economic impact on both economic growth and expansion in Hidalgo County, while protecting over \$35 billion in property assets; and

WHEREAS, the Hidalgo County Commissioners' Court also recognizes that these drainage project upgrades will greatly improve the quality of life and safety of citizens by reducing flooding and other disasters related to drainage; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS its strong support to the Hidalgo County Drainage District #1 as it works to improve drainage upgrades to the Hidalgo County Drainage System.

PASSED AND APPROVED on this 16th day of October, 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 of a refinancing opportunity for the City of Weslaco through FirstSouthwest Company, authorize a refunding bond issue, a budget amendment as appropriate, and the Mayor to execute any related documents. Possible action. (Requested by Commissioner Tafolla and Mayor Pro-Tem Cuellar.) Attachment.

The City Manager stated there are several outstanding bond issues; by refinancing those now, the City may save \$1.2 million.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to approve the item as presented.

Commissioner Noriega indicated the first she learned of this initiative was when she read it on the agenda and expressed she wishes she had been involved in its formation; the Mayor Pro-Tem stated he requested the item after he called financial advisor FirstSouthwest to clarify the cap on what the City may borrow and when is appropriate to refinance. Commissioner Noriega reiterated to the City Manager that she would appreciate a phone call on such important issues; the City Manager replied that he is available to the Commission and he followed the chain of command. The Mayor stated that he felt as presiding officer the conversation was moving into an area of personal attack and stated that discussion should be limited to the subject as posted.

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

- C. Discussion and consideration to submit an amendment to the Texas Parks and Wildlife Indoor Recreation grant project 51-000065 for the Boys & Girls Club to reduce the building size, change the location to the Weslaco Independent School District Horton Campus at 103 South Iowa Avenue, and to extend the deadline for project completion by six months, from January 21, 2013 to July 21, 2013 and authorize the Mayor to execute any related documents. Possible action. (Requested by Parks Department.) Attachment.

The City Manager stated Dr. Ruben Alejandro and Ms. Daisy Hinojosa, with the Weslaco Independent School District and the Boys and Girls Club respectively, were present to demonstrate their partnership in this project. Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to amend the motion as follows: to submit an amendment to the Texas Parks and Wildlife Indoor Recreation grant project 51-000065 for the Boys & Girls Club and to extend the deadline for project completion by six months, from January 21, 2013 to July 21, 2013, to change the location from 100 East Pike to the Weslaco Independent School District Horton Campus at 103 South Iowa Avenue, to reduce the building size to 8,808 square feet and retain the project amount of \$567,000.00, and authorize the Mayor to execute any related documents.

Commissioner Noriega inquired how the City may request a new location for the facility when there is no evidence from the Weslaco Independent School District; the City Manager stated that this had not yet been taken to the school board for action, but at the joint workshop the trustees had been very supportive. Commissioner Noriega also inquired if any lien or levy assessed against the Boys and Girls Club would transfer to the new asset. The City Attorney stated that a new entity will be created for the administration of Boys and Girls Club activities in Weslaco so the levy would not transfer against it; he added he is working on a long-term lease for consideration by the Weslaco Independent School District.

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

V. **REPORTS**

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

The City Manager referenced his report as submitted for the record.

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

Mr. Hernan Gonzalez reported on the street renaming for Medal of Freedom recipient Dolores Huerta. He added that Darden Corporation is planning a second restaurant in Weslaco; and reported on the acquisition of 3080318 South Texas Boulevard by private investors and the façade improvements at Marines Bakery. Alfresco is planned October 18 and sales tax is up 7% year to date.

VI. PUBLIC COMMENTS

There were no public comments.

VII. EXECUTIVE SESSION

The Commission did not convene in Executive Session.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Discussion with City Attorney and assigned Special Counsel regarding Cause No. 2201-11-I Pascual Hernandez and Maria Luisa Hernandez v. The City of Weslaco, Texas pursuant to §551.071 of the Texas Government Code.

As the Commission did not convene in Executive Session, there was no action on this item.

- B. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the IAFF-WFFA Local 3207 as authorized by §551.071 of the Texas Government Code.

As the Commission did not convene in Executive Session, there was no action on this item.

- C. Contract Negotiations – Discussion with the City Manager and City Attorney relating to the City’s rights, duties, privileges, and obligations in connection to the Collective Bargaining Agreement with the Weslaco Municipal Police Association as authorized by §551.071 of the Texas Government Code.

As the Commission did not convene in Executive Session, there was no action on this item.

- D. Pending Litigation – Consult with Special Counsel regarding C-0747-12-E, Knapp Medical Center v. Weslaco Hospital Authority, pending in the 275th Judicial District

Court of Hidalgo County, Texas pursuant to §551.071 of the Texas Government Code.

As the Commission did not convene in Executive Session, there was no action on this item.

- E. Pending Litigation – Consult with City Attorney regarding C-2541-12-G, David Barbosa v. Leonardo Olivares and City of Weslaco, pursuant to §551.071 of the Texas Government Code.

As the Commission did not convene in Executive Session, there was no action on this item.

IX. ADJOURNMENT

With no other business before the Commission, at 6:15 p.m. Commissioner Tafolla, seconded by Commissioner Martinez, moved to adjourn the October 16, 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