



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 6, 2012**

On this 6th day of November 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	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; Fire Chief Jimmy Cuellar; Assistant Fire Chief Rudy Garza; Martin Mata, Assistant Library Director; Joe Pedraza, Health Supervisor; Rosa Huerta, Court Administrator; 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, November 2, 2012.
- B. Invocation.
Pastor Rene Vega from the Mid-Valley Assembly of God 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 Commissioners Garza, Noriega, and Tafolla.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 October 16, 2012; (Requested by City Secretary's Office.) Attachment.

- B. Approval of the renewal of the membership for 2013 in the amount of \$100.00 in the Electric Reliability Council of Texas (“ERCOT”), the entity in Texas responsible for operating the deregulated wholesale electricity market and overseeing the grid in the deregulated portion of the state, and authorize the Mayor to execute any related documents. (Requested by City Attorney’s Office.) Attachment.
- C. Approval of Resolution 2012-67 and corresponding membership in the amount of \$510.00 in the Sister Cities International program, and authorize the Mayor to execute any related documents. (Requested by the Mayor.) Attachment.
- D. Authorization of the renewal of a Food for Fines program at the Mayor Joe V. Sanchez Public Library, allowing library patrons to exchange canned goods for outstanding library fees through December 2012 in support of a food drive by the Rio Grande Valley Food Bank. (Requested by the Library.) Attachment.
- E. Acceptance by the Mayor Joe V Sánchez Public Library of two (2) computers from the Workforce Solutions agency for public job training and job seeking activities, and authorize the Mayor to execute any related documents. (Requested by the Library.) Attachment.
- F. Authorization to apply funds from the Court Technology Fund to pay the annual fees for Incode software service including Court Case Management, Police (Non-Incode Interface to Court), AcuCorp Run Time, Epson TM-U950 Receipt Validation Printer, as well as Media Plus Automated Cash Drawer in an amount not to exceed \$8,376.32 and authorize a budget amendment as appropriate. (Requested by Municipal Court.). Attachment.
- G. Authorization to apply fund from the Court Technology Fund for the lease of a copy/printer/facsimile machine and excess copies in an amount not to exceed \$2,300.00 and authorize a budget amendment as appropriate. (Requested by Municipal Court.). Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve 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. 2012-67
Establishing a Sister City Relationship
Between the City of Weslaco, Texas, of the
United States of America and the San Miguel de Allende, Guanajuato, Mexico

WHEREAS, the parties herein, the City of Weslaco, Texas of the United States and San Miguel de Allende, Guanajuato, Mexico agree to establish a Sister City Relationship for the purpose of the development of mutual understanding and friendship of two countries and improvement of friendly consultation; and

WHEREAS, the parties agree to develop exchanges and cooperation on economy, trade, technology, culture, education, sports, health and personnel to promote mutual prosperity; and

WHEREAS, the leaders of both parties shall rely on each other for collaboration on projects,

meaningful conversation, problem solving, and action as a united voice.

Passed and approved this 6th day of November, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

III. NEW BUSINESS

- A. Discussion and consideration on behalf of R.O.G. A.N.D.E., L.T.D., owners David Guerra and Bryan Hall, to approve the Final Plat of Blue Wave Subdivision, being a re-subdivision of 4.61 acres out of all of Lot 1, Westgate-Miller Subdivision and all of Lots 2 and 3, Westgate Drive Plaza Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated that the Planning and Zoning Commission and staff recommend approval contingent on the installation of street lights. Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Discussion and consideration on behalf of the County of Hidalgo to approve the Final Plat of Hidalgo County Precinct 1 Constable Office Subdivision, being a 2.037 acre tract of land out of Lot 7, Block 2 Mid-Valley Industrial Park Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated that the Planning and Zoning Commission and staff recommend approval. Commissioner Rivera, seconded by Commissioner Martinez, moved to approve the item as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Discussion and consideration to award the bid contract for the unleaded and diesel fuel supplier for Fiscal Year 2012-2013 to the best qualified, most advantageous bidder and to authorize the Mayor to execute any related documents. Possible action. (Requested by Finance Department.) Attachment.

The City Manager stated a five member staff committee reviewed the bids and recommends Oil Patch Fuel and Supply; last year the City spent \$470,000.00 on fuel. The Mayor Pro-Tem clarified that local vendor Betts Oil bid within the three-percent allowable through the local vendor advantage; Ms. Gloria Givilancz confirmed that Betts proposed \$0.02 above the OPUS rate, whereas Oil Patch bid \$0.01 below the OPUS rate.

The City Attorney stated for the record that the local vendor receives a legal advantage in accordance with state purchasing procedures, recognizing that it hires

local people and pays local sales and property tax.

Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to award the bid contract for the unleaded and diesel fuel supplier for Fiscal Year 2012-2013 as the best qualified, most advantageous bidder to Betts Oil & Butane, Inc. whose principle place of business is in the City of Weslaco and whose bid was within three-percent (3%) of the lowest bid submitted by Oil Patch Fuel Supply, who is not a resident of the City of Weslaco, and because Betts Oil offers the City of Weslaco the best combination of contract price and economic development opportunities for the City of Weslaco by employing Weslaco residents and increased tax revenues to the City of Weslaco as authorized by §271.095 of the Texas Local Government Code and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to extend the Depository Services Contract with BBVA Compass Bank, November 1, 2012 through October 31, 2014 as authorized by §105.017 of the Local Government Code, approve corresponding Resolution amending Resolution 2011-36 identifying authorized signatories, and authorize the Mayor to execute any related documents. Possible action. (Contract awarded August 18, 2009; Requested by Finance Department.) Attachment.

The City Manager state the contract expired and is presently within its evergreen period; additionally, BBVA Compass Bank offered a competitive rate on loans.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve the item as presented with Resolution 2012-68. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2012-68

STATE OF TEXAS	§	RESOLUTION	AUTHORIZING	EXECUTION
COUNTY OF HIDALGO	§	DEPOSITORY	AGREEMENT	BETWEEN THE
CITY OF WESLACO	§	WESLACO	AND COMPASS	BANK

BE IT RESOLVED By the City Commission of the City of Weslaco that:

1. The attached Depository Agreement was presented, considered and approved by the Weslaco City Commission on November 6, 2012.
2. All requirements of law regarding the notice requirements to the public and posting agenda requirements under The Texas Open Meeting Act were complied with.
3. Mayor Miguel D. Wise and any other Elected, or appointed City of Weslaco officials are authorized to execute the attached Depository Agreement, if needed, or any other documents needed to implement the attached Depository Agreement.

PASSED AND APPROVED this 6th day of November, 2012.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

- E. Discussion and consideration to authorize a Development Agreement between the Economic Development Corporation of Weslaco and Darden Restaurants, Inc. to provide an incentive in excess of One Hundred Thousand Dollars (\$100,000.00) for a national full service restaurant to locate in Weslaco. Possible action. (Requested by the Economic Development Corporation.) Attachment.

Mr. Hernan Gonzalez stated through this agreement a Longhorn Steakhouse would be established west of the Chuck E. Cheese; the proposal is the same as extended to the Olive Garden, with \$60,000.00 paid on the issuance of the certificate of occupancy and \$60,000.00 paid on the first anniversary of its opening based on performance.

Commissioner Rivera, 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 reschedule the next regular meeting of the Weslaco City Commission from Tuesday, November 20, 2012 to Tuesday, November 27, 2012 in accordance with Ordinance 2011-05. Possible action. (Requested by City Manager's Office.) Attachment.

The City Manager stated the City Charter requires one meeting per month; this proposed action would be in compliance, simply moving the second meeting of the month to the week following Thanksgiving.

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.

IV. REPORTS

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

The City Manager complimented the Fire Chief for his completion and passage of the fire academy for fire chiefs. He referenced his written report.

V. PUBLIC COMMENTS

There were no comments received.

VI. ADJOURNMENT

With no other business before the Commission, at 5:52 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to adjourn the November 6, 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

(absent)

COMMISSIONER, Olga M. Noriega

(absent)

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez