



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, NOVEMBER 27, 2012**

On this 27th 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	Olga M. Noriega
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe V. Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
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; Arnold Becho 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 16, 2012.
- B. Invocation.
Pastor John Jaramillo from the First Christian Church delivered the invocation.
- C. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.
- D. Roll Call.
Molly Vallejo, Secretary, called the roll, noting the absence of Commissioner Garza.

II. INSTALLATION OF NEWLY ELECTED OFFICERS

- A. Discussion and consideration to approve Resolution No. 2012-69 certifying the results of the November 6, 2012 City of Weslaco General and Special Election in accordance with Texas Election Code §67.004(a). Possible action. (Canvass conducted November 19, 2012 in accordance with Texas Election Code §67.004(a).) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, approved Resolution No. 2012-69 certifying the results of the November 6, 2012 City of Weslaco General

Election and Special Election in accordance with Texas Election Code §67.004(a). The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Resolution No. 2012-69 reads as follows:

RESOLUTION NO. 2012-69

STATE OF TEXAS § **AN ORDER DECLARING THE RESULTS OF THE
CITY OF WESLACO GENERAL ELECTION OF
COUNTY OF HIDALGO** § **NOVEMBER 6, 2012 AND THE SPECIAL ELECTION
OF NOVEMBER 6, 2012 TO FILL TWO VACANCIES
CITY OF WESLACO** § **AND VOTE ON SIX PROPOSITIONS.**

WHEREAS, the City Commission of the City of Weslaco resolved and ordered that a General Election and Special Election be held on November 6, 2012 in the City of Weslaco, Texas for the purpose of electing two members to the Weslaco City Commission for the following positions and for the purpose of submitting six propositions relevant to authorized expenditures by the Economic Development Corporation:

**CITY COMMISSIONER SINGLE MEMBER DISTRICT 1
CITY COMMISSIONER SINGLE MEMBER DISTRICT 4**

PROPOSITIONS 1 - 6

WHEREAS, there came on to be considered the returns of the election held on the 6th day of November, 2012 for the purpose of electing two (2) members to the City Commission and for six Propositions.

WHEREAS, the returns of said election have been duly canvassed by the City Commission, and each of the candidates and the propositions in said election having received the following votes to wit:

CITY COMMISSIONER SINGLE MEMBER DISTRICT 1

DAVID FOX	Votes	758
JENNIFER CARDENAS	Votes	675

CITY COMMISSIONER SINGLE MEMBER DISTRICT 4

RAFAEL CABALLERO	Votes	562
GERARDO "JERRY" TAFOLLA	Votes	760

PROPOSITION 1

Authorizing the use of Article 5190.6 Section 4A (Development Corporation Act of Texas) sales and use tax proceeds for Athletic Facilities (Professional and amateur sports and athletics, including stadium and ball parks). Section 4A Sales and Use Tax proceeds may be used to pay maintenance and operating costs of projects in this category.

FOR:	Votes	3,795
AGAINST:	Votes	2,692

PROPOSITION 2

Authorizing the use of Article 5190.6 Section 4A (Development Corporation Act of Texas) sales and use tax proceeds for Commercial Facilities (Related store, restaurant, concession and

parking facilities). Section 4A Sales and Use Tax proceeds may be used to pay maintenance and operating costs of projects in this category.

FOR:	Votes	3,556
AGAINST:	Votes	2,844

PROPOSITION 3

Authorizing the use of Article 5190.6 Section 4A (Development Corporation Act of Texas) sales and use tax proceeds for Certain Public Facility Improvements (Public Safety Facilities that will promote new or expanded business enterprises). Section 4A Sales and Use Tax proceeds may be used to pay maintenance and operating costs of projects in this category.

FOR:	Votes	4,134
AGAINST:	Votes	2,257

PROPOSITION 4

Authorizing the use of Article 5190.6 Section 4A (Development Corporation Act of Texas) sales and use tax proceeds for Transportation Improvements (Related streets, roads, and area transportation facilities). Section 4A Sales and Use Tax proceeds may be used to pay maintenance and operating costs of projects in this category.

FOR:	Votes	4,736
AGAINST:	Votes	1,686

PROPOSITION 5

Authorizing the use of Article 5190.6 Section 4A (Development Corporation Act of Texas) sales and use tax proceeds for Other Business – related improvements (Any other improvements or facilities to promote new or expanded business enterprises). Section 4A Sales and Use Tax proceeds may be used to pay maintenance and operating costs of projects in this category.

FOR:	Votes	3,594
AGAINST:	Votes	2,731

PROPOSITION 6

Authorizing the use of Article 5190.6 Section 4A (Development Corporation Act of Texas) sales and use tax proceeds for Affordable Housing (Projects required for the development and expansion of “Affordable Housing” as defined by Federal Law). Section 4A Sales and Use Tax proceeds may be used to pay maintenance and operating costs of projects in this category.

FOR:	Votes	3,751
AGAINST:	Votes	2,640

IT IS, THEREFORE FOUND, DECLARED AND ORDERED by the City Commission of the City of Weslaco that the above elections were duly called. The notices of said elections were duly posted and that said elections were held in accordance with the laws of the Texas Election Code. That at said General Election David R. Fox was elected to the position of City Commission Single Member District 1 and that Gerardo “Jerry” Tafolla was elected to the position of City Commission Single Member District 4 of the City of Weslaco subject to taking their oath of office and that at said Special Election the Propositions were approved as follows by a majority of the qualified voters of the City of Weslaco: Propositions 1, 2, 3, 4, 5, and 6. The following propositions failed: none.

SECTION 1: That it is further found and determined that the results of the election as canvassed and tabulated in the preamble hereof reflect the expressed desires of those persons voting at said election.

IT IS FURTHER FOUND AND DETERMINED that in accordance with the laws of the Texas Election Code the City Secretary posted written notice of the date, place and subject of this meeting on the bulletin board located at City Hall, place convenient and readily accessible to the

general public and said notice having been so posted and remaining posted continuously for at least 72 hours proceeding the scheduled time of said meeting. A copy of the returns shall be attached to the minutes of this meeting and shall be made as part hereof for all intents and purposes.

PASSED, ADOPTED and APPROVED this 27th day of November, 2012.

CITY OF WESLACO

/s/ Miguel D. Wise,
MAYOR and PRESIDING OFFICER OF THE
LOCAL CANVASSING AUTHORITY

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

B. Conduct Oaths of Office and file Statements of Elected Officers. Attachment.

Judge Ricardo Rodriguez of the 92nd District Court conducted the Oath of Office for Commissioner Jerry Tafolla for District 4 and Mrs. Fox conducted the Oath of Office for her son Commissioner David R. Fox for District 1. Both tendered their Statements of Elected Officers for public file; Commissioner Fox then took his seat at the dais.

C. Discussion and consideration to select a Mayor Pro-Tem. Possible action.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to select John F. Cuellar as Mayor Pro-Tem for 2012-2013. The motion carried unanimously; Mayor Wise was present, but not voting.

D. Reception.

A light reception was held with the audience until 6:02 p.m.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to remove from its posted sequence item VI. D. for immediate consideration. The motion carried unanimously; Mayor Wise was present, but not voting.

VI. D. Discussion and consideration to adopt the FY 2011-2012 Annual Tax Collection Report as prepared by Armando Barrera, Jr., Hidalgo County Tax Assessor and Collector. Possible action. (Requested by Office of the City Manager.) 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.

III. PUBLIC HEARINGS

A. To solicit comments on behalf of Gilbert Cardenas Jr. to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1007 N. Border Ave., also being 1.12 Acre of land out of Farm Tract 133, West Tract Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-1 Neighborhood Business District."

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to open public hearings on items III. A, B, and C as posted concurrently. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. To solicit comments on behalf of Carlos De La Cruz, d.b.a. Mid-Laguna Azul, LLC to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's On-Premise Permit at 1501 N. Westgate, also being 0.491 AC, Block C, Expressway Heights Subdivision, Weslaco, Hidalgo County, Texas.
- C. To solicit comments on behalf of SDI Operating, LLC, d.b.a. Tejano Mart #408 to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1540 E. Business Hwy. 83, also being Lot 1, Airport Medical Center Subdivision, Weslaco, Hidalgo County, Texas.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close public hearings on items III. A, B, and C as posted concurrently. The motion carried unanimously; Mayor Wise was present, but not voting.

IV. **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 November 6, 2012; (Requested by City Secretary's Office.) Attachment.
- B. Approval of the renewal of the submission of a grant application by the Mayor Joe V. Sánchez Public Library to the ERate 2013-2014 program, the acceptance of funds upon award, the acceptance of additional funding if awarded during the grant year, and authorize the Mayor to execute any related documents. (Requested by the Library.) Attachment.
- C. Acceptance of money and other gift donations by the Mayor Joe V. Sánchez Public Library from local vendors and/or the public for library programing within FY 2012 – 2013, including programing within the popular Summer Reading Program (SRP) and Winter Reading Program (WRP) and authorize a budget amendment as appropriate. (Requested by the Library.) Attachment.
- D. Acceptance of new toy donations to the Food for Fines program at the Mayor Joe V Sánchez Public Library in support of the holiday toy drives done through the Parks Department (Food for Fines program approved November 6, 2012; Requested by the Library.) Attachment.
- E. Approval of a request by Aurora House Foundation to utilize Harlon Block Sports Complex on January 26, 2013 from 7 a.m. – 12 noon for a charity walk-a-thon, authorize street closures as appropriate, 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 Police Department.) Attachment.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to approve the consent agenda as presented; Commissioner Fox abstained as he was not present at the previous meeting to consider the minutes. The motion carried unanimously; Mayor Wise was present, but not voting.

V. OLD BUSINESS

- A. Discussion and reconsideration 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. (Awarded to Betts Oil on November 6, 2012; Requested by Finance Department.) Attachment.

The City Manager stated that when verifying the numbers determined that the preference for the local vendor exceeded the amount authorized.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to rescind the award to Betts Oil as previously approved and award the bid contract for the unleaded and diesel fuel supplier for Fiscal Year 2012-2013 to Oil Patch Fuel & Supply as the best qualified, most advantageous bidder and to authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Gilbert Cardenas Jr. to approve Ordinance 2012-26 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 1007 N. Border Ave., also being 1.12 Acre of land out of Farm Tract 133, West Tract Subdivision, 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 2012-26. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated the Planning and Zoning Commission as well as staff recommend approval.

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

- B. Discussion and consideration after public hearing on behalf of Carlos De La Cruz, d.b.a. Mid-Laguna Azul, LLC to approve a Conditional Use Permit to obtain a Wine and Beer Retailer’s On-Premise Permit at 1501 N. Westgate, also being 0.491 AC, Block C, Expressway Heights 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 the Planning and Zoning Commission as well as staff recommend approval.

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

- C. Discussion and consideration after public hearing on behalf of SDI Operating, LLC, d.b.a. Tejano Mart #408 to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1540 E. Business Hwy. 83, also being Lot 1, Airport Medical Center 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 the Planning and Zoning Commission as well as staff recommend approval as this reflects a change in ownership.

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.

- E. Discussion and consideration to approve Ordinance 2012-25 pertaining to the City of Weslaco Texas Municipal Retirement System (TMRS), authorizing and allowing "Updated Service Credits" for services performed by qualifying members of such system who presently are members of the City of Weslaco, providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City, and establishing an effective date of January 1, 2013 for such actions, and authorize the Mayor to execute any related documents. First Reading of Ordinance 2012-25. Possible action. (Requested by Finance Department.) Attachment.

There was no action on this item.

- F. Discussion and consideration to approve the Collective Bargaining Labor Agreement between the City of Weslaco and the Weslaco Municipal Police Association, the exclusive bargaining agent for the police officers of the Weslaco Police Department, effective October 1, 2012 through September 30, 2015, as authorized pursuant to Chapter 174 of the Texas Local Government Code and authorize the Mayor to execute any related documents. Possible action. (Requested by Police Department.) Attachment.

The City Manager stated this is the product of hours of meetings and negotiations, including a \$500.00 increase in base salaries and some adjustments to seniority and assignment pay. The Mayor Pro-Tem expressed his appreciation to the Police Association for being reasonable in this bargaining agreement particularly in this financial climate.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented with non-substantive changes to the Collective Bargaining Labor Agreement. The motion carried unanimously; Mayor Wise was present, but not voting.

- G. Discussion and consideration to approve the request by the Economic Development Corporation of Weslaco to host the 2012 Mid-Valley Christmas Lighted Parade on Thursday, December 20, 2012 from 6:00 p.m. – 9:00 p.m. on Texas Boulevard from Pike Boulevard to Sixth Street, 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. Possible action. (Requested by Police Department.) Attachment.

The City Manager stated that the Economic Development Corporation will continue this tradition; Ms. Alicia Aguilar stated it would be held in conjunction with Al Fresco in the City Hall parking lot.

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.

As a Minute Order, Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to authorize the use of City Hall parking lot by the Economic Development Corporation for Al Fresco activities. The motion carried unanimously; Mayor Wise was present, but not voting.

- H. Discussion and consideration to authorize a lease agreement between the City of Weslaco d.b.a. Weslaco Mid Valley Airport and the Weslaco Economic Development Corporation (EDC) for the lease of land at the airport for the construction and use of a parking area for future hangar development (measuring 150' x 65' for a total of 9600 sq. ft.) at a lease rate of \$0.12 per square foot for an annual payment of \$1,152.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Airport.) Attachment.

The City Manager stated this demonstrates ongoing progress at the Airport, expanding parking at the facility and creating hangars.

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

- I. Discussion and consideration to approve overlay repairs to Paisano Lane and Largo Street and authorize the budget amendments in the amounts not to exceed \$16,000.00 and \$19,200.00, respectively. Possible action. (Requested by Public Facilities.) Attachment.

In response to a question from Commissioner Fox, the City Manager clarified the first of the projects would continue the intersection of Texas Boulevard and Ballard Street, the second is a comparably smaller project easier to accomplish; he referenced an

inventory of road improvement projects previously provided to the Commission. Following a question from Commissioner Noriega, he explained the bid process was not followed as both projects are intended for completion by internal labor; quotes obtained were for materials. Only one regional vendor provides the necessary hot mix; this qualifies as a sole source acquisition but this is not pursued as any emergency. The City Manager assured purchasing procedure was followed however staff will refine forms as more clarity and transparency would be helpful on supplemental documentation. The City Attorney stated should any action necessitate emergency consideration, he would provide a legal memorandum to substantiate. The budget amendment serves to recognized these projects specifically, though funds are available.

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

VII. REPORTS

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

The City Manager reported that the City Secretary gave birth to a son on Sunday, November 25 and welcomed the newest citizen of Weslaco.

The Mayor requested that the pavers be repaired on Texas Boulevard sidewalks and reiterated his request for crosswalk signals on Texas, Republic, and Border intersections at Business 83.

- B. Report on Overtime, Compensatory time, and Workers' Compensation. Attachment.

The City Manager stated the overtime report is for October 2012, which exposes some issues to be addressed by department directors. Commissioner Fox requested a comparison over the past three years.

- C. Report by Caballero Legislative Affairs. Attachment.

The City Manager referenced the report as included in the supplements.

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

Mr. Hernan Gonzalez reported that Longhorn Steakhouse should open Summer 2013; Payne Auto Group Chevrolet, GMC, and Ford dealerships underway with two foreign dealerships potentially forthcoming; Bridgestone Tire Distribution Center is consolidating in Weslaco; photo murals were added to the Visitor Center. The Lower Rio Grande Valley Development Council (LRGVDC) received a \$120 million grant for Hurricane Dolly housing; this grant administration will locate thirty employees from Horne, LLC and URS Corporation into the former Elsa State Bank building, another benefit of the close collaboration with the LRGVDC.

VIII. PUBLIC COMMENTS

There were no comments received.

IX. EXECUTIVE SESSION

At 6:57 p.m., the Commission convened in Executive Session; on retu.

X. 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.

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.

There was no action on this item.

- C. Economic Development - Discussion and consideration to authorize a Development Agreement between the Economic Development Corporation of Weslaco and B.P.M.P. Real Estate Texas LLC to provide an incentive in excess of One Hundred Thousand Dollars (\$100,000.00) for a new business to locate in Weslaco pursuant to §551.087 of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to authorize the item as discussed in Executive Session. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Economic Development - Discussion and consideration to authorize a Development Agreement between the Economic Development Corporation of Weslaco and KJS Group, LLC to provide an incentive in excess of One Hundred Thousand Dollars (\$100,000.00) to locate a national tire distribution center in Weslaco pursuant to §551.087 of the Texas Government Code.

Commissioner Fox, seconded by Commissioner Rivera, moved to authorize the item as discussed in Executive Session. The motion carried unanimously; Mayor Wise was present, but not voting.

- E. Pending Litigation – Discussion with City Attorney and Special Counsel regarding City of Weslaco v. Weslaco Municipal Police Union, as authorized by §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to authorize the settlement agreement under the terms and conditions as discussed in Executive Session. The motion carried unanimously; Mayor Wise was present, but not voting.

XI. ADJOURNMENT

With no other business before the Commission, Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to adjourn the November 27, 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

COMMISSIONER, David R. Fox

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe V. Rivera

COMMISSIONER, Joe A. Martinez