



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
THURSDAY, JANUARY 3, 2013**

On this 3rd day of January 2013 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	David R. Fox
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, Assistant Finance Director; David Salinas, Public Utilities Director; 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 Monday, December 31, 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.
Molly Vallejo, Secretary, called the roll noting perfect attendance.

II. INSTALLATION OF CITY MARSHAL/CHIEF OF POLICE

- A. Administer the Oath of Office to Michael Kelley as the City Marshal/Chief of Police for the City of Weslaco.

The Mayor conducted the Oath of Office for Michael Kelley as the City Marshal/Chief of Police for the City of Weslaco.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to take Public Comments from its posted sequence for immediate consideration. The motion carried unanimously; Mayor Wise was present, but not voting.

VIII. PUBLIC COMMENTS

Lupe Rivera Jr. and Karina Cardoza presented a video of the events at the 1st Annual Christmas Party held on December 22, 2012. Mr. Rivera stated that 1,200 gifts were given out to children thanks to the donation of the City Commission, County Commissioner A.C. Cuellar, Judge Ricardo Rodriguez, Judge Rolando Cantu and the Law Office of Omar Maldonado. Ms. Cardoza from Love Thy Neighbor thanked the Commissioner and the sponsors for all their generous donations.

III. PUBLIC HEARING

- A. To solicit input on a request, on behalf of Esteban Mejia, Jr., amend Ordinance 320 and the City of Weslaco Zoning Map to rezone 705 S. Texas Blvd., also being the S 57.3-15, 10, & S 12-11, Canal Block 58 & 58A, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District.”
- B. To solicit input on a request, on behalf of Javier Pena, to amend 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.”
- C. To solicit input on a request, on behalf of Alfonso Garcia, to amend Ordinance 320 and the City of Weslaco Zoning Map requesting to rezone all of Lot 1 and Lot 2, amended map of “V” Subdivision, Weslaco, Hidalgo County from “R-1 Single Family Dwelling District” to “B-2 Secondary and Highway District.”

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to open the public hearings concurrently as presented at 5:48 p.m. The motion carried unanimously; Mayor Wise was present, but not voting.

There were no comments from the public.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to close the public hearing as presented at 5:49 p.m. 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 Texas Senate Office Space Lease between the City of Weslaco and the

Texas Senate for the lease of 600 square feet for Senator Eddie Lucio Jr.'s Weslaco Senate Office located at 500 South Kansas Avenue, Weslaco, Texas 78596 for a 2 year term beginning January 9, 2013 at \$600.00 a month and authorize the Mayor to execute the contract. (Requested by Public Facilities Department.) Attachment.

- B. Approval of Amendment #2 to Project Agreement (#51-00006) between the City of Weslaco and Texas Parks and Wildlife Department for the Weslaco Boys and Girls Club Indoor Recreation Center to extend the project expiration date to July 15, 2013. (Requested by Parks and Recreation Department.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved approve all items of the Consent Agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

V. **APPOINTMENTS**

- A. Discussion and consideration to accept the resignation of Lazaro Cardenas, Sr. and approve Resolution 2013-01 to fill the unexpired term of one member from the Board of Adjustments and Appeals-Zoning ending August 8, 2014. Possible action. (Requested by Planning/Code Enforcement Department.) Attachment.

The City Manager stated that Mr. Paul Garza has expressed an interest in continuing to serve on the board, his term had just recently ended and someone else had been appointed in his place.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to accept the resignation of Lazaro Cardenas and to approve Resolution 2013-01 appointing Paul Garza to an unexpired term on the Board of Adjustments and Appeals-Zoning. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, the Resolution 2013-01 reads as follows:

RESOLUTION NO. 2013- 01

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE BOARD OF ADJUSTMENTS & APPEALS-ZONING ORDINANCE.

WHEREAS, the City of Weslaco created and established the Board of Adjustments & Appeals-Zoning Ordinance.

WHEREAS, the term of the members of this board are for two years; and

WHEREAS, the Board of Adjustments & Appeals-Zoning Ordinance members shall serve with neither compensation nor term limits; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Paul Garza is appointed to serve an unexpired term on the Board of Adjustments & Appeals-Zoning Ordinance and the

term will expire on 8th day of August, 2014.

PASSED AND APPROVED on this 3rd day of January, 2013.

/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 consideration, after public hearing, to amend Ordinance 320 and the City of Weslaco Zoning Map to rezone 705 S. Texas Blvd., also being the S 57.3-15, 10, & S 12-11, Canal Block 58 & 58A, Weslaco Original Townsite, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-1 Neighborhood Business District” requested by Esteban Mejia, Jr. and authorize the Mayor to execute any related documents. First Reading of Ordinance 2013-01. Possible action. (Requested by Planning/Code Enforcement Department.) Attachment.

The City Manager stated notice was published and hearing held; Planning and Zoning Commission and staff recommend approval.

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.

- B. Discussion and consideration, after public hearing, to amend 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” requested by Javier Pena and authorize the Mayor to execute any related documents. First Reading of Ordinance 2013-02. Possible action. (Requested by Planning/Code Enforcement Department.) Attachment.

The City Manager stated notice was published and hearing held; Planning and Zoning Commission reviewed this item three times and recommends approval. Staff also reviewed this item and recommends against it since it is inconsistent with the Comprehensive Plan and may be considered spot zoning. The City Manager believes this area is a commercial corridor and the Comprehensive Plan needs to be updated. Commissioner Tafolla stated that the neighboring lots already have been rezoned to commercial areas.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented.

Commissioner Fox asked City Attorney if the Comprehensive Plan is not updated will the item continue to not receive staff recommendation; the City Attorney stated that the item will not receive staff approval.

Commissioner Noriega asked why the comprehensive plan had not been updated. The City Manager stated that updating the plan is a process that requires public hearings; City Attorney stated that the Commission could amend the plan in piecemeal sections through public hearings. City Manager stated it would be best to look at the entire plan at once and then do an amendment rather than sections at a time, but the Commission does have the authority to go against staff recommendation to approve the item.

The Mayor expressed concern of approving the item if it is considered spot zoning and does not want to get into any legality with other citizens. City Attorney stated that since the neighboring area has been rezoned it invalidates the spot zoning restriction. Charles Warren stated that spot zoning is put forth by the court and the Commission should look at what is best for the City and its residents. Mr. Warren went on to say that a comprehensive plan is made to serve as guide and there are exceptions the plan does not address.

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

The Mayor requested a Minute Order for the City Manager to begin the process of amending the Comprehensive Plan.

- C. Discussion and consideration to approve the Final Plat of the Re-plat of Amended “V” Subdivision - being a 3.556 acre tract of land, and also being all of Lot 1 & 2 of the Amended map of “V” 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 noted that the Planning and Zoning Commission reviewed the subdivision and with staff recommends approval.

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.

- D. Discussion and consideration, after public hearing, to amend Ordinance 320 and the City of Weslaco Zoning Map to rezone the Re-plat of Amended “V” Subdivision, also being a 3.556 acre tract of land, and also being all of Lot 1 and Lot 2, Amended Map of “V” Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District’ to “B-2 Secondary and Highway District” requested by Alfonso Garcia and authorize the Mayor to execute any related documents. First Reading of Ordinance 2013-03. Possible action. (Requested by Planning/Code Enforcement Department.) Attachment.

The City Manager stated notice was published and hearing held; the Planning and Zoning Commission and staff recommend approval.

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

- E. Discussion and consideration of Resolution 2013-02 designating an area in the City of Weslaco for Revitalization. Possible action. (Requested by Planning/Code Enforcement Department.) Attachment.

There was no action on this item.

- F. Discussion and consideration to create the position of Assistant City Manager and authorize a budget amendment as appropriate. Possible action. (Requested by City Manager.) Attachment.

The City Manager stated that currently there are thirteen (13) departments reporting directly to him and he has been working with staff to identify a way to streamline the day to day operations. He added that by creating the position of Assistant City Manager and combining it with the Senior Planner position it would help get the City needs where it needs to be.

Mayor Pro-Tem Cuellar asked if the applicant would be brought before the Commission for approval. The City Manager stated that this was not a political appointee and he would be making the decision of who to hire, but would consult with the Commission.

Commissioner Noriega asked why this position had not been brought before the Commission sooner. City Manager replied that because of budgetary constraints and the efforts to improve the City's bond rating it was not the best time to create the position.

The Mayor asked if the qualifications would be geared more toward a planner or department administration. The City Manager stated that the credentials would lean more toward planning and management, since the priority in the beginning would be the comprehensive plan.

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.

VII. CITY MANAGER REPORTS

- A. Report on Departmental Update, Financial Status, Upcoming Meetings and Appointments. Attachment.

The City Manager stated that they were not ready to move on the Economic Development Corporation project at this time, due to legal issues and issues of public hearings that needed to be held. The Mayor stated that the project has a proposed deadline on January 8. The City Attorney stated that regulations from the Texas Department of Housing require that when a municipality takes on a revitalization plan there must be public input; without the input six (6) points would be struck from the pre-application. Mayor asked if the item could be passed with conditions. Mayor Pro-Tem Cuellar stated he was not ready to vote on this item and stated he would step out of the meeting if the Commission decided to act on it at this time.

City Manager welcomed back Bret Mann as the Finance Director and stated that Mardoqueo Hinojosa would be joining the City as the City Engineer in a few weeks. Erasmo Lozano has been named the Interim Public Facilities Director and has made an offer to a potential Parks & Recreation Director but is pending the final decision.

Commissioner Noriega thanked all the residents and sponsors of the 2nd Annual Christmas Party on December 22 at La Placita Park, with their help they were able to give out over 1,000 gifts to the City's children.

X. ADJOURNMENT

With no other business before the Commission, at 6:38 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to adjourn the January 3, 2013 regular 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