



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MARCH 5, 2013**

On this 5th day of March, 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
City Manager	Leonardo Olivares
City Secretary	Elizabeth M. Walker
City Attorney	Ramon Vela

Also present: Bret Mann, Finance Director; Veronica Ramirez, Human Resources Director; Erasmo Lozano, Public Facilities Director; David Arce, Parks and Recreation Director; Mardoqueo Hinojosa, City Engineer; Arnold Becho, Library Director; Martin Mata, Assistant Library Director; Albert Canales, Grants Coordinator; Rey Garcia, Information Technology 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, March 1, 2013.
- B. Invocation.
Pastor Bob Slade from the Love of Christ Church delivered the invocation.
- C. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance and the Texas Flag.

Mayor Wise requested that Item IV. A. be moved to the next item on regular session.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to consider Item IV from its posted sequence for immediate discussion. The motion carried unanimously; Mayor Wise was present, but not voting.

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2013-03 confirming the appointment by Mayor Miguel D. Wise of one member to the City of Weslaco Housing Authority Board to an expired term as authorized by §302.031 of the Texas Local

Government Code. Possible action. (Requested by the Mayor.) Attachment.

The City Manager stated that this was a five member board with two year terms.

Mayor Wise appointed Mr. Rolando Noriega to an expired term for the Weslaco Housing Authority Board.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2013-03

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE HOUSING AUTHORITY BOARD.

WHEREAS, the City of Weslaco has established the City of Weslaco Housing Authority Board as per the Texas Local Government Code Section, 392.031 the Mayor shall appoint the Housing Authority Commissioners; and

WHEREAS, the terms of the members of this board are for (2) two years; and

WHEREAS, the Housing Authority Board members shall serve without compensation and unlimited terms.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR OF THE CITY OF WESLACO, TEXAS THAT Rolando Noriega is appointed to serve an expired (2) two year term on the Housing Authority Board and the term will expire on March 5, 2015.

PASSED AND APPROVED on this 5th day of March, 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

I. D. Roll Call.

At 5:45 p.m., Elizabeth Walker, City Secretary, called roll, noting the Mayor left the dais at 5:38 p.m. and Commissioner Martinez as absent.

II. PUBLIC HEARINGS

- A. To solicit input on behalf of GHA Architects, owner of RARE Hospitality International, Inc. to approve a Conditional Use Permit to obtain a Mixed Beverage On-Premise Permit at 701 E. Expressway 83, also being a 1.17 acre tract of land out of Lots 6R and 7R of the Re-plat of Lots 6, 7, and 8, SDI Weslaco Holding, LLC Subdivision, Weslaco, Hidalgo County, Texas.

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

- B. To solicit input on behalf of Arturo Ortega to approve Ordinance 2013-06 amending Ordinance 320 and the City of Weslaco Zoning map to rezone RSBR Weslaco (FM 88) Subdivision, also being 2.195 acres out of Farm Tract 743, West and Adams Tracts

Subdivision, Weslaco, Hidalgo County, Texas, from “R-1 Single Family Dwelling District” to “B-2 Secondary and Highway District.”

The City Manager stated these are to consider mixed beverage service at the SDI development and to rezone for a Dollar General, respectively.

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

III. CONSENT AGENDA

- A. Approval of the Minutes of the Regular Meeting of February 19, 2013. (Requested by City Secretary’s Office.) Attachment.
- B. Approval of the request to close Texas Boulevard/FM 88 from Fifth to Sixth Streets from 1:00 p.m. to 12:00 a.m. on April 13, 2013 and authorize the sale of wine and beer to a Texas Alcoholic Beverage Commission (TABC) licensed vendor for the Crawfish Boil Fundraiser coordinated by the Weslaco Museum of Local History and Cultural Art, 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 City Secretary’s Office). Attachment.
- C. Approval of a budget amendment from the Wastewater Fund and the Retained Earnings Account to the Water Fund in the amount not to exceed \$5,000.00 for overtime hours for the Water Distribution Account for the remainder of Fiscal Year 2012-2013. (Requested by Public Utilities Department.) Attachment.
- D. Approval of Amendment No. 5 to contract 10-5306-000-5314 with Texas General Land Office to revise the project implementation schedule with termination date December 31, 2013 for the generator installation at the Water Treatment Plant and South Waste Water Treatment Plant and authorize the Mayor to execute any related documents. (Requested by Public Utilities Department.) Attachment.

The City Manager requested that item III. C. be withheld from consideration.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve consent agenda items B and D as presented. The motion carried; Mayor Pro Tem Cuellar was present, but not voting.

There was no action on items III. A and C.

IV. APPOINTMENTS

- B. Discussion and consideration to accept the resignations of Carlos Guerra, Joe Cardenas, and Leonardo Olivares and approve Resolutions 2013-16, 2013-35, and 2013-36 to fill the terms of three members to the Weslaco Health Facilities Development Corporation. Possible action. (There was no action on Resolution 2013-16 on February 19, 2013; Requested by Finance Department.) Attachment.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to suspend Resolution 2010-20 to allow an appointment without being present. The motion carried; Mayor Pro Tem Cuellar was present, but not voting.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to appoint Mr. Joe Garza to the Weslaco Health Facilities Development Corporation contingent on him satisfying any residency requirements. The motion carried; Mayor Pro Tem Cuellar was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2013-16

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE WESLACO HEALTH FACILITIES DEVELOPMENT CORPORATION.

WHEREAS, in accordance with the Health Facilities Development Act, Article 1528j, Vernon's Texas Civil Statutes (the "Act") the City Commission (The Governing Body) hereby finds and determines that a health facilities development corporation be authorized and created, with such health facilities development corporation to be known as the "Weslaco Health Facilities Development Corporation"; and

WHEREAS, the purpose of this board is to promote new, expanded or improved health facilities in order to assist the maintenance of the public health and the public welfare.

WHEREAS, each member shall be appointed by the City Commission of the City of Weslaco; and the members of this board will hold office for a term of no more than six years; and

WHEREAS, the Weslaco Health Facilities Development Corporation members shall serve without compensation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMTSSION OF THE CITY OF WESLACO, TEXAS THAT Joe Garza is appointed to serve an unexpired term on the Weslaco Health Facilities Development Corporation with a term to be assigned.

PASSED AND APPROVED on this 5th day of March, 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

Commissioner Noriega moved to appoint Dan Perez to the Weslaco Health Facilities Development Corporation; motion failed from lack of a second.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to accept the resignation of Mr. Joe Cardenas from the Weslaco Health Facilities Development Corporation. The motion carried; Mayor Pro Tem Cuellar was present, but not voting.

Commissioner Noriega clarified that any newly appointed members to this board would be involved in the ongoing lawsuit with Knapp Medical Center.

- C. Discussion and consideration to approve Resolutions 2013-37, 2013-38, and 2013-39 to fill the expired terms of three members to the Weslaco Public Library Board.

Possible action. (Requested by Library.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to reappoint the three incumbents to the Weslaco Public Library Board. The motion carried; Mayor Pro Tem Cuellar was present, but not voting.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2013-37

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE LIBRARY BOARD.

WHEREAS, the City of Weslaco has established the Library Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

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

WHEREAS, the Library 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 Idolina Garcia is appointed to serve a two year term on the Library Board and the term will expire on March 5, 2015.

PASSED AND APPROVED on this 5th day of March 2013.

RESOLUTION NO. 2013-38

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE LIBRARY BOARD.

WHEREAS, the City of Weslaco has established the Library Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

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

WHEREAS, the Library 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 Joel De Los Santos is appointed to serve a two year term on the Library Board and the term will expire on March 5, 2015.

PASSED AND APPROVED on this 5th day of March 2013.

RESOLUTION NO. 2013-39

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE LIBRARY BOARD.

WHEREAS, the City of Weslaco has established the Library Board pursuant to Section 17-17 of the Weslaco Municipal Code Book; and

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

WHEREAS, the Library 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 Christine Warren is appointed to serve a two year term on the Library Board and the term will expire on March 5, 2015.

PASSED AND APPROVED on this 5th day of March 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- D. Discussion and consideration to approve Resolution 2013-40 to fill the expired term of one member to the Ambulance Advisory Board. Possible action. (Requested by Fire Department.) Attachment.

City Manager stated Mr. George Guerra's term expired creating a vacancy. Fire Chief Cuellar stated that Mr. Guerra is currently out of town and asked that no action be taken until they can get in contact with him.

There was no action on this item.

- E. Discussion and consideration to approve Resolution 2013-41 to fill the expired term of one member to the Parks & Recreation Advisory Board. Possible action. (Requested by Parks & Recreation Department.) Attachment.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to reappoint Mr. Erasmo Saenz to an expired term for the Parks & Recreation Advisory Board. The motion carried; Mayor Pro Tem Cuellar was present, but not voting.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2013-41

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 Erasmo Saenz is appointed to serve a two year term on the Parks & Recreation Advisory Board and the term will begin on March 5, 2013 and end on March 5, 2016.

PASSED AND APPROVED on this 5th day of March 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

V. OLD BUSINESS

- A. Discussion and consideration to approve a professional services agreement for a Rate Study of the Public Utilities of the City of Weslaco to include the water, waste water and solid waste and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item February 19, 2013; Requested by Public Utilities Department.) Attachment.

There was no action on this item.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of GHA Architects, owner, RARE Hospitality International, Inc. to approve a Conditional Use Permit to obtain a Mixed Beverage On-Premise Permit at 701 E. Expressway 83, also being a 1.17 acre tract of land out of Lots 6R and 7R of the Re-plat of Lots 6, 7, and 8, SDI Weslaco Holding, LLC 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 notice had been published and public hearing held; the Planning & Zoning Commission recommends approval.

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

- B. Discussion and consideration on behalf of Arturo Ortega to approve the Final Plat of RSBR Weslaco (F.M. 88) Subdivision, being a 2.195 acre tract out of Farm Tract 743 West and Adams Tract 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 Planning & Zoning Commission recommends approval contingent on the drainage easement being properly platted and the utility manhole being removed. Mr. Joe Pedraza stated that site is located on right hand side of Texas, just past 18th Street and the subdivision.

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

- C. Discussion and consideration after public hearing on behalf of Arturo Ortega to approve Ordinance 2013-06 amending Ordinance 320 and the City of Weslaco Zoning map to rezone RSBR Weslaco (FM 88) Subdivision, also being 2.195 acres out of Farm Tract 743, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, from "R-1 Single Family Dwelling District" to "B-2 Secondary and Highway District". First Reading of Ordinance 2013-06. Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated notice had been published and public hearing held; no

comments were received and the Planning & Zoning Commission and staff recommend approval.

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

- D. Discussion and consideration on behalf of Beto Salinas Flores Group, LLC of the Final Plat of Vaquero Estates Phase III, being a 46.31 acre tract of land out of Farm Tract 1065, 1066, and 1071, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, 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 & Zoning Commission and staff recommend approval.

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

- E. Discussion and consideration to approve Closeout Invoice No. 55609 from CH2MHILL-OMI for Fiscal Year 2012 for the Repairs, Chemicals and Sludge Expenses for the amount not to exceed \$220,564.96 and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated this is an annual payment for repairs and chemical expenses which the City is contractually obligated to pay, staff recommends approval.

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

VII. REPORTS

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

The City Manager announced that the Airport's fuel volume increased almost 60% due to the Texas Air National Guard having a unit there.

- B. Report on Fire Department Activities. Attachment.

Fire Chief Cuellar reported on recent grants, training, and outreach. He also stated that on February 28, the department responded to Retama Manor for a Mass Causality Incident, where various agencies worked very well together. Chief Cuellar reported collections increased 77% since EMS billing claims were moved in-house.

City Manager congratulated the department on obtaining the new skid unit and doubling the percentage of collections.

C. Report on Litigation Status. Attachment.

The City Manager stated that the litigation report had been provided to the Commission and would be happy to answer any questions on it during executive session.

D. Report on Sponsored Projects.

Referencing the report at the dais, the City Manager stated that the litigation and sponsored projects reports will be provided at the first meeting every month and the financial reports at the second meeting of every month.

E. Report on Possible Water Shortage.

The City Manager stated that the agriculture water, used as push water to get municipal water to the water treatment plant, has been used ahead of schedule and the quickest solution would be for Mexico to release the water it owes the United States.

David Salinas stated that the water levels at Falcon and Amistad are at 38%, which is the worst it has been since the 1950s. Municipal water rights renew each year at 100%, but the irrigation water rights are replenished by rain or by allotment from Mexico. Mr. Salinas stated that currently only 200,000 acre/feet of water is needed from Mexico to replenish the allotments.

Meanwhile, the City is looking at increasing the capacity at existing City wells, working with local farmers who have wells, and reopening the old Texsun wells which unfortunately have been covered up to develop South Texas College. Mr. Salinas stated the worst case scenario would be for the City to purchase push water at 1500 acre/feet a day at \$50.00 per acre/feet, which will cost the City \$45,000.00. The City Manager stated that the City is working with the State and other stakeholders and will be presenting options for the Commission to consider.

VIII. PUBLIC COMMENTS

Mayor Pro Tem Cuellar reminded the citizens that personal attacks are not permitted and comments are limited to three minutes.

Mr. Samuel Cavazos believes the City needs to develop protocol for handling complaints.

Ms. Hortencia Villa that she is concerned about her water bill; though she was provided a consumption report and payment plan, she believes that isn't enough.

IX. EXECUTIVE SESSION

At 6:30 p.m., the Mayor Pro-Tem announced the regular meeting to convene in Executive Session. At 6:36 p.m., the Mayor Pro-Tem announced the City Commission

had completed its Executive Session and reconvened the regular meeting as open to the public.

X. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Land Acquisition – Discussion with City Manager regarding the acquisition of real property for the Weslaco Mid-Valley International Airport for the TxDOT Aviation Division runway extension project as authorized by §551.072 of the Texas Local Government Code.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to accept the appraisal on 8.09 acres as discussed in executive session and authorize the Texas Department of Transportation to make an offer through property owners. The motion carried unanimously; Mayor Pro Tem Cuellar was present, but not voting.

- B. Pending Litigation – Discussion with City Attorney and assigned Special Counsel Denton, Navarro, Rocha, & Bernal, P.C. regarding Civil Action No. 7:12-CV-420 Priscilla Montano, et al, Plaintiffs, v. City of Weslaco, Texas, Defendant pursuant to §551.071 of the Texas Government Code.

The City Manager stated that the City had a good day in court with the claims filed by Yvonne Rodriguez and Eddie Anzaldua against the City completely dismissed.

There was no action on this item.

XI. ADJOURNMENT

With no other business before the Commission, at 6:38p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the March 5, 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

(absent)

COMMISSIONER, Joe A. Martinez