



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 16, 2013**

On this 16th day of April 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 Secretary	Elizabeth M. Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Bret Mann, Finance Director; Erasmo Lozano, Public Facilities Director; Police Chief Michael Kelly; Fire Chief Santiago Cuellar; David Arce, Parks & Recreation Director; George Garrett, Airport 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, April 12, 2013.
- B. Invocation.
Pastor Raja Masilamony from Seventh Day Adventist 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 perfect attendance.

II. CONSENT AGENDA

- A. Approval of the Minutes of the Regular Meeting of April 2, 2013.
(Requested by City Secretary's Office.) Attachment.
- B. Authorization of the use of Federal forfeiture funds for payment of overtime for Drug Enforcement Agency (DEA) Task Force Officer not to exceed \$10,000.00 from the Forfeiture Account for investigations and operations that may result in furthering the law enforcement goals and mission and authorize a budget amendment as appropriate.

(Requested by Police Department.) Attachment.

- C. Authorization of the change of paying agent for the City of Weslaco, Texas General Obligation Refunding Bonds, Series 2002 from BBVA Compass to U.S. Bank and authorize the Mayor to execute any related documents. (Requested by Finance Department.) Attachment.
- D. Approval of Resolution 2013-48 related to the completion of file compliance work on Texas General Land Office Contract DRS010201 Generator Projects, including to appoint the Grants Compliance Coordinator as Labor Standards Officer; Section 504 Officer, Section 3 Coordinator, Equal Opportunity/Fair Housing Officer; and authorize the Mayor to execute any related documents. (Requested by Finance Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve all items of the consent agenda as presented. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Resolution 2013-48 reads as follows:

RESOLUTION NO. 2013-48

A RESOLUTION APPOINTING A LABOR STANDARDS OFFICER AND A SECTION 504 OFFICER/EQUAL OPPORTUNITY/FAIR HOUSING OFFICER FOR COMPLETION OF FILE COMPLIANCE WORK REQUIREMENTS OF TEXAS GENERAL LAND OFFICE CONTRACT DRS010201 GENERATOR PROJECTS DIRECTED BY MR. DAVID SALINAS, DIRECTOR OF PUBLIC UTILITIES FOR THE CITY OF WESLACO.

WHEREAS, the City of Weslaco is contractually-obligated to comply with all federal regulations regarding The Texas General Land Office Contract DRS010201 Generator Projects directed by Mr. David Salinas, Director of Public Utilities for the City of Weslaco.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO THAT:

The Mayor shall execute the following documents:

Appoint the individual that is performing the duties of the Grants Compliance as (1) Labor Standards Officer; and (2) Section 504 Officer/Equal Opportunity/Fair Housing Officer and Section 3 Coordinator.

PASSED AND APPROVED on this 16th day of April, 2013.

/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 approve Resolutions 2013-36 and 2013-43 to fill the terms of two members to the Weslaco Health Facilities Development Corporation. Possible action. (There was no action on these Resolutions April 2, 2013; Requested by Finance Department.) Attachment.

Resolution 2013-36 appointing Mr. Moses Castillo to the Weslaco Health Facilities Development Corporation. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Resolution 2013-36, reads as follows:

RESOLUTION NO. 2013-36

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 COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Moses Castillo 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 16th day of April, 2013.

/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 to approve Resolution 2013-45 to fill the expired term of one member to the Ambulance Advisory Board. Possible action. (There was no action on this Resolution April 2, 2013; Requested by Fire Department.) Attachment.

Commissioner Noriega moved to appoint Ms. Leticia Lopez to the Ambulance Advisory Board. Motion failed due to lack of a second.

IV. NEW BUSINESS

- A. Discussion and consideration to adjust the City of Weslaco's 2013 Consumer Price Index (CPI) to Municipal Telecommunications Right-of-Way Access Line Rates by 1.06% due to inflation. Possible action. (Requested by Legal Department.) Attachment.

The City Manager stated this item may impose a tax increase on telephone bills with a \$0.05 increase for residents, \$0.11 increase for non-residents and \$0.16 for point-of-service. The rate did not increase last year; if no action is taken the rates will remain

the same. The City Manager recommends approval.

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

Commissioner Noriega believes the City should not add any additional hardship to the residents after increasing the water rates so much.

Mayor Pro-Tem Cuellar stated that a comparison should be done on the benefits from living in City such as access to City Parks, Police and Fire Protection and asked the City Manager to create a list of benefits and post it to the City website. He added perhaps it would be better to raise property taxes than creep all other utilities.

In response to a question from Commissioner Fox, Mr. Bret Mann stated that if deferred until next year the increase would depend on the amount of inflation which averages 3% a year. He added that without these annual increases then there are big jumps from 3% to 9%.

The City Manager stated that the City is being fiscally conservative as evident by the improved bond rating. He stated that water rates were uncomfortable because the increase had been deferred for so long and the property tax rate has not been increased in five years.

Commissioner Noriega opposed. The motion carried (5-1); Mayor Wise was present, but not voting.

- B. Discussion and consideration to approve the Interlocal Cooperation Agreement with the Lower Rio Grande Valley Development Council (LRGVDC) for use of the City Public Works Facility and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment.

The City Manager requested more time to determine the minimum space requirements. There was no action on this item.

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

VI. PUBLIC COMMENTS

Mr. Samuel Cavazos stated that taxes and utilities are too high. Also, there are no policies or protocols for handling citizen complaints. However, after a meeting he had with City Manager those complaints may be handled in the same manner as employee complaints.

V. REPORTS

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

The City Manager stated the Fire Department received the jaws of life and soon would have training for the department. The Public Library received \$7,000.00 from Reading in Fundamental so there will be free books distributed during the Summer Reading Program.

B. Report by the Economic Development Corporation of Weslaco. Attachment.

Mr. Hernan Gonzalez stated that at the suggestion of Commissioner Fox, local boxer Omar Figueroa would be wearing the Weslaco Advantage symbol on his shorts at his upcoming match in San Antonio. Commissioner Fox stated that the “Panterita” would be in front of a 20 million person viewing audience this Saturday on Showtime.

Mr. Gonzalez stated over 43 companies are located at the industrial park as an ideal central location. Mr. Gonzalez stated that retail sales taxes receipts are at 9.91%. Mayor Pro-Tem inquired about any plan to influence those companies now opening the same box stores as Weslaco in other communities.

Mayor Wise stated that the City is still in its infancy when it comes to retail, but feels it’s important to invest in light industry as well as retail. Mayor Pro-Tem stated that perhaps the City should look into developing a second industrial park south of town.

C. Report on Legislative Update. Attachment.

The City Manager referenced the report as enclosed.

D. Report on Drought.

The City Manager reported Mexico is releasing some additional water owed to the United States. The City is also looking to drill additional water wells.

E. Report on Thoroughfare Plan. Attachment.

The City Manager referenced the report as enclosed.

F. Report on Social Media Site Policy. Attachment.

The City Manager proposes the enclosed Social Media Site Policy for Commission review.

VII. EXECUTIVE SESSION

The City Attorney stated that the law firm appointed by the insurance carrier will not be able to assist so a new attorney to the case, Arnold Aguilar, has been assigned.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

A. Pending Litigation – Consult with Special Assigned Counsel Denton, Navarro, Rocha, Bernal regarding Cause No. C-1048-13-D, DKIII Hornback Enterprises, Ltd., Plaintiff.

v. John Cuellar, Guadalupe Rivera, Jerry Tafolla, Leo Olivarez, and Jose Martinez, Defendants in the 206th Judicial District Court of Hidalgo County, Texas as authorized by §551.071 of the Texas Government Code.

The Commission did not convene in Executive Session.

IX. ADJOURNMENT

With no other business before the Commission, at 6:28 p.m. Commissioner Rivera, seconded by Commissioner Martinez, moved to adjourn the April 16, 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