

**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MAY 21, 2013**

On this 21st day of May 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	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; Jeff Underwood, Planning & Code Enforcement Director; David Arce, Parks & Recreation Director; Erasmo Lozano, Public Facilities Director; Police Chief Michael Kelly; Fire Chief Santiago Cuellar; Arnold Becho, Library Director; George Garrett, Airport Director; Mardoqueo Hinojosa, City Engineer; 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, May 17, 2013.
- B. Invocation.
Senior Minister Howard Bloomquist of Central Christian Fellowship 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 Tafolla and Rivera.

II. CONSENT AGENDA

- A. Approval of the Minutes of the Regular Meeting of May 7, 2013.
(Requested by City Secretary’s Office.) Attachment.
- B. Acceptance of a reimbursement check from the Texas Intrastate Fire Mutual Aid System (TIFMAS) Grant Assistance program in the amount of \$3,450.00 for

Training Tuition - Texas A&M Engineering Extension Service (TEEX) Spring Fire School and authorize a budget amendment as appropriate. (Requested by Fire Department.) Attachment.

- C. Acceptance of a donation of two (2) Trimble GPS Nomad units from WW GIS, LLC at a value of \$2,800.00/unit. (Requested by Public Utilities Department.) Attachment.
- D. Approval of the utilization of Federal Equitable Sharing funds for the renewal of the annual Leads Online Investigative System July 1, 2013 – June 30, 2014 in an amount not to exceed \$5,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment.
- E. Approval of the request to close Texas Boulevard/FM 88 from Business 83 to Fifth Streets from 3:00 p.m. to 10:00 p.m. on Thursdays, July 4, 11, 18, and 25, 2013 for a series of block parties entitled *Alfresco Weslaco – Jammin’ on the Street* coordinated by the Economic Development Corporation of Weslaco, authorizing the sale of wine and beer by a Texas Alcoholic Beverage Commission (TABC) licensed vendor, 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 the Economic Development Corporation.) Attachment.
- F. Authorization to submit a grant application for funding not to exceed \$125,000.00 for 36 months from the United States Department of Justice (COPS) Community Oriented Policing Services to hire two officers with the City responsible for a 25% cash match and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment.

Commissioner Noriega requested item II. F be withheld from the consent agenda for discussion. Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve items A, B, C, D and E with a correction to Resolution 2013-51 in the minutes to correct the name from Lupe Rivera to Lupe Garcia. The motion carried unanimously; Mayor Wise was present, but not voting.

III. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2013-43 to fill the term of one member to the Weslaco Health Facilities Development Corporation. Possible action. (There was no action on this Resolution May 7, 2013; Requested by Finance Department.) Attachment.

The City Manager stated that this replaces his position on the board in order to avoid any conflict of interest.

Commissioner Fox, seconded by Mayor Pro-Tem Cuellar, moved to approve Resolution 2013-43 appointing Mr. Roland Lozano to the Weslaco Health Facilities Development Corporation. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Resolution 2013-43 reads as follows:

RESOLUTION NO. 2013-43

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 Rolando Lozano 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 7th day of May, 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 2013-57 appointing inaugural members to the Weslaco 100 Committee, an ad hoc citizen board, to advise on the municipal strategic plan and centennial celebrations. Possible action. (Requested by City Manager's Office.) Attachment.

The City Manager stated that at the last meeting the Commission created the Weslaco 100 Committee and recommends by this resolution the appointment of institutional stakeholders with local, state, and federal elected officials as ex officio members.

Mayor Wise stated that his wife, Erin Wise, was appointed to this committee a couple of years ago; City Manager clarified at the time Mrs. Wise was appointed there was no resolution establishing the committee.

Commissioner Noriega requested the list of stakeholders be read aloud. Commissioner Fox requested the Lions Club be added to the committee.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve Resolution 2013-57. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Resolution 2013-57 reads as follows:

RESOLUTION NO. 2013 - 57

**A RESOLUTION OF THE CITY OF WESLACO ESTABLISHING
THE WESLACO 100 COMMITTEE TO PREPARE WESLACO'S
CENTENNIAL CELEBRATION AND STRATEGIC PLAN**

WHEREAS, The City of Weslaco, Texas, founded 1919, will celebrate its centennial in 2019, and anticipates programs and activities befitting the occasion; and

WHEREAS, This Commission finds merit in establishing an ad hoc citizen's committee to solicit suggestions, make recommendations, and encourage participation toward the planning and facilitating of such programs and activities; and

WHEREAS, After public meetings, all recommendations are required to be submitted to the Weslaco City Commission for approval; and

WHEREAS, The Committee shall concurrently consider issues for the strategic growth of the City over the next 100 years, including planning/sustainable development, governance, health, transportation, education, economic development, public safety, parks, information technology, and housing; and

WHEREAS, there shall be sixteen (16) members in the Weslaco 100 Committee who shall be appointed by the Weslaco City Commission and shall be resident citizens of the City of Weslaco. The term for each Committee member shall be for three (3) years and may be eligible for reappointment;

WHEREAS, The Weslaco 100 Committee members shall serve without compensation

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT the Weslaco 100 Committee is hereby created and the representative and his or her designee from the following entities have been appointed:

Weslaco Independent School District, South Texas College, Knapp Medical Center, Woodcrafters Home Products, LLC, HEB, Payne Auto Group, Texas Department of Public Safety, United States Border Patrol, Rotary Club, Elks Lodge, Lions Club, Weslaco Area Chamber of Commerce, Valley Nature Center, Weslaco Museum of Local History and Cultural Art, San Martin de Porres Catholic Church, and First Baptist Church; additionally the following elected officers have been named ex officio members: members of the Weslaco City Commission, Texas State Representative House District 39, Texas State Senator District 27, United States Representative District 15, and United States Representative District 34.

PASSED AND APPROVED on this 21st day of May, 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

- C. Discussion and consideration to approve Resolution 2013-55 and Resolution 2013-56 to fill the unexpired terms of two members to the Parks & Recreation Advisory Board. Possible action. (Requested by Parks & Recreation Department.) Attachment.

The City Manager stated this responds to the resignation of Erasmo Saenz. Mr. David Arce stated that City has not received a formal letter of resignation, however Chairman of the Board Edward Mejia confirmed he received a text message indicating Mr. Saenz's intent to resign and recommended acceptance of his resignation.

Commissioner Martinez, seconded by Mayor Pro Tem Cuellar, moved to approve Resolution 2013-55 appointing Mr. Ismael Quiroz Jr. to the Parks & Recreation Advisory Board. The motion carried unanimously; Mayor Wise was present, but not voting.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to accept the resignation of Mr. Erasmo Saenz from the Parks & Recreation Advisory Board. The motion carried unanimously; Mayor Wise was present, but not voting.

For the record, Resolution 2013-55 reads as follows:

RESOLUTION NO. 2013-55

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 Ismael Quiroz Jr. is appointed to serve an unexpired term on the Parks & Recreation Advisory Board and the term will begin on May 21, 2013 and end on March 5, 2015.

PASSED AND APPROVED on this 21st day of May 2013.

/s/ Miguel D. Wise, MAYOR

ATTEST:

/s/ Elizabeth M. Walker, CITY SECRETARY

APPROVED AS TO FORM:

/s/ Ramon Vela, CITY ATTORNEY

II. CONSENT AGENDA

- F. Authorization to submit a grant application for funding not to exceed \$125,000.00 for 36 months from the United States Department of Justice (COPS) Community Oriented Policing Services to hire two officers with the City responsible for a 25% cash match and authorize the Mayor to execute any related documents. (Requested by Police Department.) Attachment.

Withheld from the Consent Agenda, the City Manager stated the COPS grant has been successful in the past with the hiring of new officers and has a reimbursement rate of 75% from the Federal Government.

In response to Commissioner Noriega, Chief Kelley clarified the City originally hired three officers, but one was released from service. That grant already expired for the remaining two officers who have been placed on patrol. Commissioner Noriega asked if the funds from this grant could be used to continue to pay for the original two officers. Chief Kelley stated that under the grant the City is required to fund the officers in their third year the next officers would have to be new hires.

Chief Kelley requested authorization for Lt. Raul Vallejo to submit the application electronically. Mayor Wise agreed under the condition that the City Secretary be witness when the application is submitted.

Mayor Pro Tem Cuellar, seconded by Commissioner Martinez, moved to authorize the submission of a grant application for funding not to exceed \$125,000.00 per officer for 36 months from the United States Department of Justice (COPS) Community Oriented Policing Services to hire two officers with the City responsible for a 25% cash match and authorize the Mayor and designated staff to execute any related documents. The motion carried unanimously; Mayor Wise was present, but not voting.

IV. NEW BUSINESS

- A. Discussion and consideration to approve the Final Plat of El Papalote Ranch Subdivision, being a 6.028 acre tract out of Farm Tract 310, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (A three-fourths vote is required to approve in accordance with Code of Ordinances §150-20(d) as Planning & Zoning Commission recommended denial; Requested by Planning & Code Enforcement Department.) Attachment.

The City Manager stated that this item constitutes a procedural issue as the developer has not submitted appropriate documentation for final plat approval.

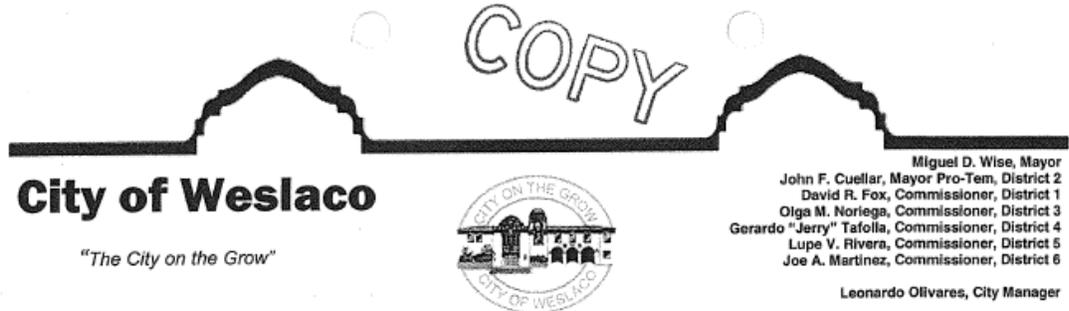
In response to Commissioner Noriega who referenced the LaFevre letter as enclosed in the agenda packet, Mr. Jeff Underwood stated that the proposed subdivision had several items still lacking despite the developer given three months, with many phone calls and emails, to rectify the missing items.

The City Manager stated that the Planning and Zoning Commission and staff recommend denial of the final plat. The City Attorney stated that if the Commission chose to take no action on this item, it would be presumed as approved and advised it safer to deny the item and require the documentation lacking from the developer to be identified in the minutes.

Mayor Pro Tem Cuellar, seconded by Commissioner Fox, moved to deny the Final

Plat of El Papalote Ranch Subdivision, being a 6.028 acre tract out of Farm Tract 310, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas and to include with the minutes documentation transmitted to the to the developer and owner identifying the reasons for denial. The motion carried unanimously; Mayor Wise was present, but not voting. A three-fourths vote was satisfied.

For the record, documentation transmitted is as follows:



May 22, 2013

Ramona Flores & Elmer Ramos
2003 E. Clifton
Weslaco, TX 78596

Re: Final Plat of El Papalote Ranch Subdivision - being 6.028 acre tract out of Farm Tract 310, West and Adams Tracts Subdivision, Weslaco, Hidalgo County, Texas, located on the north side of Mile 12 North Road and approximately 1805 feet of its intersection with Mile 5 West.

Dear Ms. Flores & Mr. Ramos:

Please be advised that at their regular meeting of May 21, 2013, the City Commission denied the Final Plat of El Papalote Ranch Subdivision due to the following reasons,

1. No fire protection provided for proposed subdivision
2. No revised final plat copies submitted for review.

Should you need additional information or have any questions, please call the Planning Department at (956) 447-3401.

Sincerely,

Jeff Underwood
Planning Director

JU:jf

C: DOS Logistics Inc.
1002 E. Expressway 83
Weslaco, TX 78596

- B. Discussion and consideration to approve the purchase of bulletproof vests through Texas State Contract pricing in an amount not to exceed \$35,000.00 at no cost to the City and authorize 50% of the cost from Federal Equitable Sharing funds and 50% from the U.S. Department of Justice-Bureau of Justice Assistance Program (BJA) Bulletproof Vest Partnership Program (BVP), authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible

action. (Requested by Police Department.) Attachment.

The City Manager stated that item serves to replace bulletproof vests for the entire department.

Commissioner Martinez, 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 to approve a budget increase for the airport runway extension with additional cost to the City not to exceed \$137,931.00 to be equally cost-shared with the Economic Development Corporation of Weslaco as per an existing Development Agreement to accommodate proposed hangar construction, taxiway and runway repair, and sewer line replacement for more connections in the industrial park, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Airport.) Attachment.

The City Manager explained this item addresses the additional cost for the project. He went on to state that the original development agreement needed to be updated to bring it in line with the schedule for the construction of the hangers and the actual cost.

In response to Commissioner Noriega, the City Manager clarified that the total cost is \$7.2 million, with 90% from the state and with 10% local match of \$223,952.00 to be evenly divided between the City and EDC.

Commissioner Noriega expressed she would rather wait on approval until the EDC agrees to pay half the cost; the City Manager recommends acting on the item.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to approve a budget increase for the airport runway extension with additional cost to the City not to exceed \$223,952.00 to be equally cost-shared with the Economic Development Corporation of Weslaco as per an existing Development Agreement to accommodate proposed hangar construction, taxiway and runway repair, and sewer line replacement for more connections in the industrial park, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. The motion carried (3-1) with Commissioner Noriega opposed; Mayor Wise was present, but not voting.

- D. Discussion and consideration to approve the long term lease agreement for the Boys and Girls Club Recreation Center between the City of Weslaco and the Weslaco Independent School District and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Facilities Department.) Attachment.

The City Manager stated this represents a step forward in completing the grant with the Weslaco Independent School District providing the real estate at no cost. The City is responsible for the utilities and insurance; a separate agreement is in

development with the Boys & Girls Club for those costs.

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

V. REPORTS

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

The City Manager stated the IT department is redesigning the City's website to include more interactive and search features as well as the recabling of optic fiber lines. The Public Library is moving forward on its rain harvesting program. The Gus & Goldie swimming classes are starting and the HEB scoreboard has been installed with the help of Commissioner Rivera. The City Manager introduced Mr. Jeff Underwood as now leading the Planning and Code Enforcement Department. The City is moving forward with the lighting on Expressway 83 by working with TxDOT and a private contractor to repair inoperable lights.

Mayor Wise asked that the City could look into creating pedestrian crosswalks on Border, Texas, Business 83 and Republic.

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

Ms. Alicia Aguilar, Marketing Director, reported the Payne Auto Group Dealership is nearing completion. The LRGVDC just purchased the building on Railroad Street and will add 12,000 additional square feet. Praat Aviation is the only flight simulation in the region; GCR/Truck Center/Bridgestone, Arturo's Bar and Grill, Longhorn Steakhouse, a new retail building, and El Gallo Loco are nearing construction completion. Blimpie America's Sub Shop just opened, owned by a social enterprise whose profits go to affordable housing project "Esperanza on 5th."

Ms. Aguilar presented photographs of a dilapidated structure on Texas Blvd and stated that EDC is prepared to assist the City in removing the building. Over 300 postcards have been mailed to Jason's Deli to convince them to locate in the City. The grand opening for the Valley Nature Center has been scheduled for August. Al Fresco will be held on Thursday and will feature Sass and Brass. Ms. Aguilar reported that the City had a \$1.0 million month for retail sales tax and year to date we are 8.5% ahead of last year's receipts.

Commissioner Fox announced a press conference will be held in Weslaco on June 1st or 2nd for local professional boxer Omar Figueroa to announce his upcoming fight.

C. Report on Hidalgo County Vote Centers. Attachment.

Ms. Elizabeth Walker reported on an initiative proposed by the Hidalgo County Commissioners Court to adopt Vote Centers for the upcoming November elections, which operate like early voting centers but remain in operation through the election.

The ballot is assigned to the voter rather than the location, so on elections day a voter would be able to cast a ballot at any vote center within Hidalgo County.

VI. PUBLIC COMMENTS

There were no comments received.

VII. EXECUTIVE SESSION

At 6:28 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:54 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VIII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Discussion with City Attorney regarding C-2317-13-H Division 16 Construction Corporation, Plaintiff, v. City of Weslaco, Defendant as authorized by §551.071 of the Texas Local Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Martinez, moved to authorize Mr. Keith Livesay to file an answer in C-2317-13-H Division 16 Construction Corporation, Plaintiff, v. City of Weslaco, Defendant. The motion carried unanimously; Mayor Wise was present, but not voting.

- B. Pending Litigation - Consult with City Attorney regarding Cause No. C-081-13 B, Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al. as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

- C. Contract Negotiations - Discussion with the City Manager and City Attorney relating to Operations Management International, Inc. (OMI) as authorized by §551.071 of the Texas Government Code.

Mayor Pro-Tem Cuellar left the dais, followed by Commissioner Noriega. The absence of a quorum was noted; Mayor Pro-Tem Cuellar returned to the dais.

Commissioner Fox, seconded by Commissioner Martinez, moved to direct the City Manager and City Attorney to send a letter of termination of contract to OMI. The motion carried unanimously; Mayor Wise was present, but not voting.

Mayor Pro Tem Cuellar stated that the contract is set to expire on October 1st and this action is to preserve the City's ability to negotiate.

- D. 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.

- E. Potential Litigation/Personnel – Discussion with the City Manager and City Attorney regarding separation of municipal employees as authorized by §551.071 and §551.074 of the Texas Government Code.

There was no action on this item.

IX. ADJOURNMENT

With no other business before the Commission, at 9:57 p.m. Commissioner Fox, seconded by Commissioner Martinez, moved to adjourn the May 21, 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

(absent)

COMMISSIONER, Gerardo “Jerry” Tafolla

(absent)

COMMISSIONER, Lupe Rivera

COMMISSIONER, Joe A. Martinez