



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JUNE 4, 2013**

On this 4th day of June 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	Olga M. Noriega
Commissioner	Gerardo "Jerry" Tafolla
Commissioner	Lupe Rivera
Commissioner	Joe A. Martinez
City Manager	Leonardo Olivares
City Secretary	Elizabeth M. Walker
City Attorney	Ramon Vela

Also present: Rey Garcia, IT Director; Gloria Givilancz, Assistant Finance Director; Veronica Ramirez, Human Resources Director; Jeff Underwood, Planning & Code Enforcement Director; David Arce, Parks & Recreation Director; David Salinas, Public Utilities 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 31, 2013.
- B. Invocation.
Pastor Manuel Portillo, First Baptist Church, delivered the invocation.
- C. Pledge of Allegiance.
Mayor Wise recited the Pledge of Allegiance.
- D. Roll Call.
Elizabeth Walker, City Secretary, called the roll, noting Commissioner Fox as absent.

II. CONSENT AGENDA

- A. Approval of the Minutes of the Regular Meeting of May 21, 2013.
(Requested by City Secretary's Office.) Attachment.
- B. Acceptance of meals at no cost to the City from Weslaco Independent School District Food Services Department and the Summer Feeding Program established through the Texas Department of Agriculture for distribution to school age children within the 2013 Summer Reading and Gus and Goldie Swimming Programs. (Requested by

Library and Parks & Recreation Departments.) Attachment.

- C. Approval of the utilization of Federal Forfeiture Funds for communications expenses not to exceed \$17,000.00 and authorize a budget amendment as appropriate. (Requested by Police Department.) Attachment.
- D. Approval of the Interlocal Cooperation Agreement with the Lower Rio Grande Valley Development Council for the permanent transfer of six (6) Titan II Wireless Gateway radios valued at \$765.00/unit to the Fire Department to assist in emergency response at no cost to the City and authorize the Mayor to execute any related documents. (Requested by Fire Department.) Attachment.

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

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

IV. NEW BUSINESS

- A. Discussion and consideration to approve the interlocal agreement with Hidalgo County Precinct 1 for the repaving of Mile 9 North Rd east of FM 1015 for an amount not to exceed \$24,550.00 or 28% of the total project cost. Possible action. (Requested by Planning & Code Enforcement and Public Facilities Departments.) Attachment.

The City Manager stated the City has been working with Precinct 1 for the cost share of this project as part of the street is inside city limits and part outside. Commissioner A. C. Cuellar, Precinct 1, reported that County Commissioners' Court approved an interlocal agreement today with a 28% contribution from the City for materials costs for one mile of repaving. Commissioner stated that other roads were discussed for repaving, including Border and Sugarcane, but this project would require the least funds from the City.

In response to Commissioner Noriega, Commissioner Cuellar stated the project should only take three or four weeks to complete and would like to get started next week.

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

III. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2013-56 to fill the unexpired term of one member to the Parks & Recreation Advisory Board. Possible action. (There was no action on this Resolution May 21, 2013; Requested by Parks &

Recreation Department.) Attachment.

The City Manager requested to reappoint a member to the Board for the position currently held by Mr. Greg Ayala because of a difference of opinion on the conditions of the parks.

Commissioner Rivera, seconded by Mayor Pro-Tem Cuellar, moved to remove Mr. Greg Ayala from the Parks & Recreation Advisory Board. The motion carried unanimously; Mayor Wise was present, but not voting.

There was no action on Resolution 2013-56 to appoint a new member to the Parks & Recreation Advisory Board.

IV. NEW BUSINESS

B. Discussion and consideration to authorize the preparation of service plans for the involuntary annexation of 17 tracts of land as described:

Tract 1

A tract of land containing 84.64 acres situated in the County of Hidalgo, Texas, being a part or portion of Farm Tracts 168, 169 and 170, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 2

A tract of land containing 139.51 acres situated in the County of Hidalgo, Texas, being a part or portion of Farm Tracts 155, 156, 159 and 160, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 3

A tract of land containing 87.26 acres situated in the County of Hidalgo, Texas, being a part or portion of Farm Tracts 154, 161, 166 and 167, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 4

A tract of land containing 154.30 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 128, 141, 172, 208 and 209, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 5

A tract of land containing 182.71 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 186, 183, 174, 173, 184, 172 and 185, West and Adams Tract Subdivision, according to the plat thereof recorded in

Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 6

A tract of land containing 160.09 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 197, 198, 199 and 200, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 7

A tract of land containing 159.94 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 230, 231, 232 and 233, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 8

A tract of land containing 193.20 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 234, 235, 236, 237 and 191, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 9

A tract of land containing 207.10 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 182, 187, 191, 192, 193 and 194, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 10

A tract of land containing 319.94 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 175, 176, 177, 178, 246, 247, 248 and 249, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 11

A tract of land containing 80.06 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 250 and 251, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 12

A tract of land containing 240.31 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 111, 112, 113, 114, 252 and 253, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 13

A tract of land containing 239.82 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 1030, 1031, 1032, 1034, 1035, 1036 and 1100, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 14

A tract of land containing 200.74 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 1020, 1021, 1022, 1023, 1024, 1025, 1098, 1099 and 1100, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 15

La Paloma de las Sombras Subdivision, a subdivision containing 10.00 acres of land and being part of Farm Tract 705, Block 136, West Tract Subdivision, Llano Grande Grant, as recorded in Volume 2, Pg. 34-37 of the Map Records in the office of the County Clerk of Hidalgo County, Texas

Tract 16

A tract of land containing 410.84 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 32, 32-B, 36 and Ranchitos de Progreso Phase 1, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Tract 17

A tract of land containing 35.88 acres situated in the County of Hidalgo, Texas, being a portion of Farm Tracts 799, 800 and 804 West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records

Possible action. (Requested by Planning & Code Enforcement Department.) Attachment.

Mr. Jeff Underwood stated this is the first step in the annexation process, ordering the department to develop a service plan to discover what is currently in the proposed areas and the potential costs to extend street lighting, other infrastructure, and emergency services. Most of the proposed areas are along the Expressway to protect growth corridors and tracts 4 and 5 are close “lollipop” annexations.

The City can annex 10% of its land mass a year, up to 30% if there hasn't been a recent annexation. The item as presented identifies 30% of present land; agricultural land being presented is exempt from the count.

Mayor Pro-Tem Cuellar requested that when the service plan is presented to include total revenues the City would receive from the annexation, specifically property

taxes, sales taxes, and utility connections. Mr. Underwood stated the proposed annexation includes 983 homes, most of which already receiving City services.

Mayor Wise inquired about the impact by the annexation on the Wastewater and Water Treatment Plants; Mr. David Salinas replied it would sewer capacity but not water as those areas are outside the City's CCN.

Mayor Wise advocated the ability to annex by development agreement, which allows the City to expand the ETJ by ag exempt land, rather than annexing existing subdivisions and trying to recoup the cost of infrastructure through ad valorem taxes. The City Manager stated the annexation plan may change.

Commissioner Noriega asked if the City could retroactively collect taxes on land that was previously annexed but never taxed; Mr. Underwood stated it unlikely.

Mr. Underwood hopes staff will create a plan within 60-days, then mail out notices, hold public hearings, and propose ordinances around November 5 and December 3, 2013. In response to Mayor Pro-Tem Cuellar, who inquired how the proposed annexation would affect the budget, Mr. Underwood stated in most instances the City has two years to provide services.

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

- C. Discussion and consideration to award Bid Number 2012-13-09 for the purchase of Duty Gear to the best qualified, most advantageous bidder and approve a budget amendment as appropriate. Possible action. (Use of Federal Equitable Sharing Funds authorized for this purchase on April 2, 2013; Requested by Police Department.) Attachment.

City Manager stated staff recommends GT Distributors, a Texas based firm. He read all bids received as tabulated.

Commissioner Martinez, seconded by Commissioner Rivera, moved to award Bid Number 2012-13-09 for the purchase of Duty Gear to GT Distributors as the best qualified, most advantageous bidder and approve a budget amendment as appropriate. The motion carried unanimously; Mayor Wise was present, but not voting.

- D. Discussion and consideration to authorize the Economic Development Corporation of Weslaco (EDC) to increase its share of the Texas Department of Transportation (TxDOT) Aviation Division construction project from \$250,000.00 to \$361,976.00 based on the current estimate of the project of \$7,239,520.00 with the local share being \$723,952.00. Possible action. (Memorandum of Understanding approved January 18, 2011; Requested by EDC.) Attachment.

The City Manager stated that this is for the additional cost associated with the new hangers and other airport improvements, with 90% paid by the state and 10% paid through local contribution, \$361,976.00 as evenly split between the City and EDC.

Commissioner Tafolla asked how long it would take to complete the project. The City Manager stated that the City is attempting to clear up a land acquisition issue, which would be presented later in the meeting. Hernan Gonzalez stated that it should take three months after the issue is resolved.

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.

- E. Discussion and consideration to approve the purchase of two (2) 2013 Ford F-150 Regular Cab pickup trucks to use as utility vehicles for the Meter Division in an amount not to exceed \$18,116.00/each from the best qualified, most advantageous vendor, authorize budget amendments as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Public Utilities Department.) Attachment.

The City Manager stated this item replaces two of the four vehicles currently on the fleet and recommends approval. In response to Commissioner Noriega, Mr. Salinas stated the units were budgeted under capital outlay to replace units 208 and 427 and would be purchased through BuyBoard.

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

- F. Discussion and consideration to approve municipal parks improvements and authorize the use of the Internal Service Fund in an amount not to exceed \$100,000.00. Possible action. (Requested by Parks and Recreation Department.) Attachment.

The City Manager stated that this item proposes utilization of some of the internal service funds for proposed improvements to Pecan Grove Park to include a play station, basketball court, soccer and baseball fields, as well as addressing some of the issues with other municipal parks.

Commissioner Noriega criticized using funds to build a park not in existence when the existing parks are an embarrassment. The City Manager stated that the parks in Weslaco are safe and they are proposing to use the internal service funds because the City is already halfway through the fiscal year. Commissioner Tafolla stated that while the parks are not a hundred percent they are in good condition.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented; Commissioner Noriega opposed. The motion carried (4-1); Mayor Wise was present, but not voting.

- G. Discussion and consideration to approve Resolution 2013-58 authorizing eminent domain proceedings for the purpose of acquiring real estate to construct airport improvements and authorize the Mayor to execute any related documents. Possible

action. (Requested by Airport Department.) Attachment.

The City Manager stated that the Commission was briefed in executive session on this item last meeting; this proposed action would allow the TxDOT Aviation Division to move forward with the condemnation of the Northwest corner of Bridge Avenue for the use of airspace.

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, Upcoming Meetings, Appointments, and Feedback. Attachment.

The City Manager stated Hurricane season has begun and the Public Facilities Department is working to clean ditches. The Rodriguez Park pool now is open and the Gus & Goldie swimming programs are underway.

Mr. George Garrett reported this past weekend there were winds up to 70 miles per hour winds which caused damage throughout the City. In response to Commissioner Martinez, Mr. Salinas reported the Boys & Girls Club bathrooms should be ready by Friday.

- B. Legislative Update by Caballero Governmental Affairs. Attachment.

The City Manager referenced the report as enclosed.

- C. Report on Sponsored Projects. Attachment.

The City Manager referenced the report as enclosed.

- D. Report on Litigation Update.

The City Attorney noted the decline in active lawsuits.

VI. PUBLIC COMMENTS

Mr. Samuel Cavazos commented on the citizen's grievance policy, tutoring opportunities at the library, and pet adoption policy.

VII. EXECUTIVE SESSION

At 6:57 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:59 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. 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.

There was no action on this item.

- B. Economic Development – Discussion to authorize a Development Agreement between the Economic Development Corporation of Weslaco and Sarina Group, Ltd. that provides an incentive over One Hundred Thousand Dollars (\$100,000.00) to bring a national motel to Weslaco pursuant to §551.087 of the Texas Government Code.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to authorize a Development Agreement between the Economic Development Corporation of Weslaco and Sarina Group, Ltd. that provides an incentive over One Hundred Thousand Dollars (\$100,000.00) to bring a national motel to Weslaco as discussed in executive session. The motion carried unanimously; Mayor Wise was present, but not voting.

- C. Economic Development – Discussion with the City Manager to enter into an Economic Development Agreement with the Economic Development Corporation of Weslaco to develop or market certain real property and improvements owned by the City of Weslaco as authorized by §551.087 of The Texas Government Code.

Commissioner Martinez, seconded by Commissioner Rivera, moved to authorize a development agreement with the Economic Development Corporation of Weslaco to develop or market certain real property and improvements owned by the City of Weslaco as discussed in executive session. The motion carried unanimously; Mayor Wise was present, but not voting.

IX. ADJOURNMENT

With no other business before the Commission, at 8:00 p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the June 4, 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

(absent)

COMMISSIONER, David R. Fox

COMMISSIONER, Olga M. Noriega

COMMISSIONER, Gerardo “Jerry” Tafolla

COMMISSIONER, Lupe Rivera

COMMISSIONER, Joe A. Martinez