



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, MAY 20, 2014**

On this 20th day of May 2014 at 5:32 p.m., the City Commission of the City of Weslaco, Texas convened in a Regular Meeting at City Hall in the Legislative Chamber, located at 255 South Kansas Avenue with the following members present:

Mayor	David Suarez
Mayor Pro-Tem	J.F. “Johnny” Cuellar
Commissioner	David R. Fox
Commissioner	Olga M. Noriega
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
City Manager	Leonardo Olivares
Deputy Secretary	Nicole Mowbray
Special Counsel	David Mendez

Also present: Juan Salas, IT Department; Sonia Flores, Assistant Finance Director; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Interim Chief Sergio Ramirez, Police Department; David Arce, Park & Recreation Director; Assistant Chief Rudy Garza, Fire Department; David Salinas, Public Utilities Director; Veronica Ramirez, Human Resources Director; Gloria Givilancz, and other staff members and citizens.

I. CALL TO ORDER

A. Certification of Public Notice.

Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, May 16, 2014.

B. Invocation.

Minister Howard Bloomquist from Central Christian Fellowship Church delivered the invocation.

C. Pledge of Allegiance.

Mayor Suarez recited the Pledge of Allegiance and Mayor Pro-Tem Cuellar recited the Texas flag.

D. Roll Call.

Nicole Mowbray, Deputy Secretary, called the roll, noting perfect attendance.

V. EXECUTIVE SESSION

Commissioner Tafolla, seconded by Commissioner Rivera, moved to take from its posted sequence items V. A and B. and II. A. for immediate consideration in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 5:36 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 6:41 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

II. PUBLIC HEARINGS

- A. To solicit input for a Conditional Use Permit to operate a special events center at 1411 W. 18th Street, also being the N212.07'-W205.40 FT 732 1AC GR 0.88AC Net, West Tract Subdivision, Weslaco, Hidalgo County, Texas. (Requested by Adela Mireles Gonzalez.)
- B. To solicit input for a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1600 S. Texas Blvd, also being Lot 1, Southgate Center Subdivision, Weslaco, Hidalgo County, Texas. (Requested by Quality Licensing Corporation.)
- C. To solicit input to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1901 Maria Isabel Drive, also being Lot 24, Colonia San Francisco de Weslaco, Weslaco, Hidalgo County, Texas, from "R-1 One-Family Dwelling District" to "R-2 Duplex and Apartment District." (Requested by Robert Rangel.)

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to open the public hearing items concurrently. The motion carried unanimously; Mayor Suarez was present and voting.

Ms. Adela Mireles Gonzalez gave a complete timeline of actions taken regarding her special events center, from when she initially purchased the property in December until the meeting of the Planning and Zoning Commission in May when her application for the Conditional Use Permit was recommended denial. Upon completion of Gonzalez's presentation, Mr. Robert Ault, the owner of property to the south in question, explained his reasoning to deny the Conditional Use Permit, stating the Planning and Zoning Commission is perpetuating the problem, as they are not following their own ordinances in this case.

No comments were received for items II.B and II.C.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close the public hearing items concurrently at 7:08 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

III. PUBLIC COMMENTS

There were no comments received.

IV. NEW BUSINESS

- A. Discussion and consideration for a Conditional Use Permit to operate a special events center at 1411 W. 18th Street, also being the N212.07'-W205.40 FT 732 1AC GR 0.88AC Net, West Tract Subdivision, Weslaco, Hidalgo County, Texas (requested by

Adela Mireles Gonzalez) and authorize the Mayor to execute any related documents. Possible action. (A three-fourths vote is required to approve in accordance with the Weslaco Code of Ordinances §150-20(d) as Planning & Zoning Commission recommended denial; Staffed by Planning and Code Enforcement Department.) Attachment.

A super majority vote was needed for this item to be approved, as the Planning and Zoning Commission did not recommend approval.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. By roll call vote, the motion failed with Mayor Suarez and Commissioners Fox, Noriega and Pena opposed (3-4).

- B. Discussion and consideration for a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 1600 S. Texas Blvd, also being Lot 1, Southgate Center Subdivision, Weslaco, Hidalgo County, Texas (requested by Quality Licensing Corporation) and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

In response to Commissioner Noriega, the City Manager clarified this is the location of the new Wal-Mart.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 1901 Maria Isabel Drive, also being Lot 24, Colonia San Francisco de Weslaco, Weslaco, Hidalgo County, Texas, from "R-1 One-Family Dwelling District" to "R-2 Duplex and Apartment District"(requested by Robert Rangel) and authorize the Mayor to execute any related documents. Possible action. First Reading of Ordinance 2014-06. (Staffed by Planning and Code Enforcement Department.) Attachment.

The City Manager noted that the Planning and Zoning Commission and staff recommend approval of this item. In response to Commissioner Noriega, Mr. Hinojosa stated this location is on North Texas Boulevard across from the Water Treatment Plant, which is already surrounded by apartments.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration to approve Amendment No. 2 to an existing contract with TEDSI Infrastructure Group in an amount not to exceed \$5,500.00 to include the Right-Of-Way staking fee related to roadway improvements on Sugarcane Road (Mile 9 North) from Westgate Drive (Mile 6 West) to Border Avenue (Mile 5½ West), authorize a budget amendment as appropriate and authorize the Mayor to

execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

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

In response to Commission Noriega, the City Manager stated this project originated with the 2007 bond; the previous amendment was to redesign based on changed road conditions. Mr. Hinojosa stated this amendment is for staking, which had been overlooked by staff; this amount is to be shared with the County and partially reimbursed.

Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to approve the item as presented subject to reimbursement by the County through the interlocal agreement with Hidalgo County Precinct 1. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration to select the best qualified, most advantageous bidder for the roadway improvements on Sugarcane Road (Mile 9 North) from Westgate Drive (Mile 6 West) to Border Avenue (Mile 5 1/2 West) and authorize the Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

The City Manager listed the bids received for this project, including:

- Texas Cordia Construction LLC, \$724,000
- M5 Texas Enterprises LLC, \$985,530
- 2GS, \$1,112,000
- Saenz Brothers LLC, \$1,250,000
- Salinas \$1,254,000

The City Manager recommended the lowest responsive bidder; Commissioner Tafolla expressed concern about some of the qualifications of some of the contractors. Commissioner Rivera expressed concern about the difference in cost in the bids received. A representative from TEDSI recommended the lowest bidder and does not foresee any change orders. The City Manager expressed concern that if this project is delayed, the City may miss the window to complete this project when school is closed for the summer. The Mayor clarified that bids are not expected to be rejected, but that the top three bidders will present

Commissioner Tafolla, seconded by Commission Rivera, moved to table the item as presented until May 27, 2014. The motion carried with Mayor Suarez and Commissioners Noriega and Pena opposed.

- F. Discussion and consideration to select the best qualified, most advantageous consulting firm for the City of Weslaco Five Year Comprehensive Plan and authorize the City Manager to negotiate a professional planning and engineering services contract and authorize the Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

The City Manager reported staff is not prepared to make a recommendation at this

time; there was no action on this item.

- G. Discussion and consideration to select the best qualified, most advantageous consulting firm for the Master Drainage Plan and authorize the City Manager to negotiate a professional engineering services contract for the Drainage Plan, and authorize Mayor to execute related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

The City Manager reported staff is not prepared to make a recommendation at this time; there was no action on this item.

- H. Discussion and consideration to approve Resolution 2014-26, engaging legal counsel and rate consultants to review the Texas Gas Service Company 2014 COSA Rate Filing, and authorize the Mayor to execute the resolution.. Possible action. (Staffed by Legal Department.) Attachment.

The City Manager stated this would allow Geoffrey Gay as consultant to negotiate the rate on behalf of Valley municipalities through the Lower Rio Grande Valley Development Council.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- I. Discussion and consideration to approve the City of Weslaco Audit for Fiscal Year 2013-2014 presented by City Independent Auditor Manuel L. Garcia of Garcia and Pena, CPAs. Possible action. (Staffed by Finance Department.) Attachment.

Commissioner Tafolla, seconded by Commissioner Pena, moved to approve the item as presented.

Mr. David Mendez stated the typographical error in the agenda which identifies the Fiscal Year as 2013-2014 when it should read 2012-2013 is not a fatal flaw to prevent consideration.

Commissioner Tafolla, seconded by Commissioner Pena, rescinded the motion and moved to approve the item the City of Weslaco Audit for Fiscal Year 2012-2013 presented by City Independent Auditor Manuel L. Garcia of Garcia and Pena, CPAs.

Mr. Manuel Garcia, representing Garcia & Pena CPAs, explained in detail the audit report as divided into four parts: introduction, financial, statistical, and single audit sections. Mr. Garcia stated this is one of the best reports the City has had in a long time: the general fund balance increased to \$10,641,027.00 in comparison to \$6,701,789.00 last year, with the largest increase in the cash account from \$3 million to \$6 million; the property tax balance remained approximately the same as last year. Other revenues increased from \$20,835,188.00 last year to \$22,047,776.00 this year. Expenditures were over-budgeted for this year, with an increase of \$408,871.00 from last year; however, he commended the City for purchasing from local vendors.

The motion carried unanimously; Mayor Suarez was present and voting.

- J. Discussion and consideration of status report from District 3 Commissioner Olga Noriega regarding District 3 and City of Weslaco projects and concerns. Possible action. (Requested by Commissioner Olga Noriega and Commissioner Fidel Pena).

No action was taken on this item.

- K. Discussion and consideration to authorize staff to solicit proposals for Waterworks Collection and Distribution Materials, awarding the best qualified and lowest bidding vendor; and authorize the Mayor to execute any related documents and budget amendments as may be required. Possible action. (Staffed by Public Utilities Department). Attachment.

The City Manager explained these are supplies used throughout the year and recommended approval.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to approve the item as presented. The motion carried unanimously; Mayor Suarez was present and voting.

- L. Discussion and consideration to engage David Mendez and firm of Bickerstaff, Heath, Delgado & Acosta LLP, regarding City of Weslaco's district map. (Staffed by City Manager's Office). Attachment.

The City Manager reported that subsequent to the recent annexation legal guidance may be necessary to assure compliance with one person, one vote requirement. The Mayor Pro-Tem stated that questions will be posed to Mr. Mendez who will provide a legal opinion, but there may not be a need for redistricting at this time.

No action was taken on this item.

VI. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

- A. Pending Litigation – Consultation with Special Counsel regarding Cause No. C-5929-13-H *City of Weslaco, Texas v. City of Mercedes, Texas* in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

No action was taken on this item.

- B. Pending Litigation – Consultation with Special Counsel and City Attorney regarding a proposed settlement offer in Cause No. C-3090-11-D *Sigler Winston Greenwood & Associates Inc. v. City of Weslaco*, pursuant to §551.071 of the Texas Government Code.

No action was taken on this item.

ADDENDUM

A. Discussion and consideration to authorize the preparation of service plans for the involuntary annexation of 3 tracts of land as described:

Tract 1

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 2

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 3

Tejas Cuatro Subdivision, a subdivision containing 10.00 acres out of Farm Tract 115, Block 161, West Tract Subdivision, Llano Grande Grant, and Tejas Cuatro Phase 2 Unit A Subdivision, being a 13.78 acre subdivision out of Farm Tract 172, Block 161, West Tract Subdivision as recorded in Volume 2, Pg 34-37 of the Map Records in the office of the County Clerk of Hidalgo County, Texas.

No action was taken on this item.

VII. ADJOURNMENT

With no other business before the Commission, at 9:01 p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the May 20, 2014 regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

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 Rivera

COMMISSIONER, Fidel L. Pena, III