



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JUNE 17, 2014**

On this 17th day of June 2014 at 5:31 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 |
| City Secretary | Elizabeth M. Walker |
| City Attorney | Ramon Vela |

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; Chief Santiago Cuellar, Fire Department; David Salinas, Public Utilities Director; Trinidad Cantu, Assistant Public Utilities Director; Veronica Ramirez, Human Resources Director; Gloria Givilancz, Grants Compliance Coordinator; Olga Garcia, Assistant Public Facilities Director 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, June 13, 2014.
- B. Invocation.
Pastor Raja Masilamony from Seventh Day Adventists 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.
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. PUBLIC COMMENTS

Mr. Michael Fisher commented that single member districts work well in theory but not in practice; instead, the City of Weslaco should create a hybrid form.

III. CONSENT AGENDA

The following items are of a routine or administrative nature. The City Commission has been furnished with background and support material on each item, and/or it had been discussed at a previous meeting. All items will be acted upon by one vote without being discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon. The remaining items will be adopted by one vote. Possible action.

- A. Approval of the Minutes of the Regular Meeting on June 3, 2014. (Staffed by City Secretary's Office.) Attachment.
- B. Authorization to use forfeiture funds for payment not to exceed \$14,000.00 to GT Distributors, Inc., Buyboard Vendor contract #432-13, for the purchase of ten (10) Sig Sauer 5.56 Rifles with MS3 Sling and Sling Plate and authorize a budget amendment as appropriate. (Staffed by Police Department.) Attachment.
- C. Acceptance of the grant award from County of Hidalgo 2013 Operation Stone Garden in the amount of \$109,401.61 for overtime, fringe benefits, and equipment at the Weslaco Police Department, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Police Department.) Attachment.
- D. Acceptance of the grant award from the Texas Department of Public Safety, Texas Rangers Division for the Border Security Program fiscal year 14 (LBSP-13) in the amount of \$25,000.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents including Resolution 2014-32. (Staffed by Police Department.) Attachment.

Commissioner Noriega requested items III. E and F. be withheld from the consent agenda for discussion.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve items III. A, B, C, and D. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2014-32

A RESOLUTION TO APPLY AND ACCEPT ANY AWARDED 2014 LOCAL BORDER SECURITY PROGRAM GRANT FUNDS FROM THE TEXAS DEPARTMENT OF PUBLIC

SAFETY (TXDPS), TEXAS RANGERS DIVISION FOR THE PERIOD OF FEBRUARY 12, 2014 THROUGH AUGUST 31, 2014

WHEREAS, The City of Weslaco finds it in the best interest of the citizens of the City of Weslaco that the LOCAL BORDER SECURITY PROGRAM be operated for the fiscal year 2014 in the amount they may be awarded to us for the TXDPS; and

WHEREAS, The City of Weslaco agrees to provide for the said project as required by the LOCAL BORDER SECURITY PROGRAM FY 2014; and

WHEREAS, The City of Weslaco agrees that in the event of loss or misuse of the Texas Department of Public Safety funds, the City of Weslaco assures that the funds will be returned to the Texas Department of Public Safety in full; and

WHEREAS, The City of Weslaco designates Mayor David Suarez as the grantee's authorized official. The authorized official is given the power to apply for, accept, reject, alter or terminate the grant on behalf of the applicant agency.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT The City of Weslaco approves to apply and accept awarded funds for a grant for the 2014 LOCAL BORDER SECURITY PROGRAM to the Texas Department of Public Safety, Texas Rangers Division.

Passed and approved this 17th day of June, 2014.

RESOLUTION NO. 2014-28

A RESOLUTION SETTING DATES, TIMES, AND PLACES FOR PUBLIC HEARINGS ON THE PROPOSED ANNEXATION OF CERTAIN PROPERTY BY THE CITY OF WESLACO, TEXAS, AND AUTHORIZING AND DIRECTING THE MAYOR TO PUBLISH NOTICE OF SUCH PUBLIC HEARINGS.

BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS:

SECTION 1. On the 23rd day of June, 2014 at 5:30 p.m. and on the 24th day of June, 2014 at 5:30 p.m. in the Legislative Chambers of the City Hall of the City of Weslaco, Texas, the City Commission will hold a public hearing giving all interested persons the right to appear and be heard on the proposed annexation by the City of Weslaco, Texas of the following described property, to-wit:

Tract 1

A tract of land containing 160.58 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 186, 183, 174, 173, 184, 172, 115 and 185, 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 151.78 acres situated in the County of Hidalgo, Texas, being a part of portion of Farm Tracts 128, 141, 172, 207, 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 3

The west 4.37 acres of 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.

Tract 4

A tract of land containing 494.00 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 201, 202, 203, 204, 205, 206, 207, 226, 227, 228, 229, 285 and 286 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 55.79 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tract 280, 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 147.01 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 83, 84, 85, and 86, 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 169.90 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 281, 282, and 333, 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 70.31 acres situated in the County of Hidalgo, Texas, being part or portions of Farm Tracts 103 and 104, West and Adams Tract Subdivision, according to the plat thereof recorded in Volume 2, Pages 34-37, Hidalgo County Map Records.

SECTION 2. The Mayor of the City of Weslaco is hereby authorized and directed to cause notice of such public hearing to be published once in a newspaper having general circulation in the city and in the above described territory not more than twenty days nor less than ten days prior to the date of such public hearing, in accordance with the Municipal Annexation Act.

PASSED AND APPROVED this the 17th day of June, 2014.

/s/ DAVID SUAREZ, MAYOR

ATTEST:

/s/ ELIZABETH WALKER, CITY SECRETARY

APPROVED AS TO FORM:

/s/ RAMON VELA, CITY ATTORNEY

IV. APPOINTMENTS

- A. Discussion and consideration to accept the resignation of Carlos Robledo, approve Resolution 2014-29 appointing one member to his unexpired term on the Weslaco Health Facilities Development Corporation, and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to accept the resignation of Carlos Robledo. The motion carried unanimously; Mayor Suarez was present and voting.

In response to Commissioner Noriega, the City Manager stated that Mr. Robledo resigned due to a possible conflict of interest, though he did not have one at the time of his service. In response to Mayor Pro-Tem Cuellar, the City Secretary stated she did not have an application on file from Ms. Blanca Munoz expressing interest in this board specifically, nor did she have a letter on record expressing interest.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to table until the next meeting approval of Resolution 2014-29 appointing one member to his unexpired term on the Weslaco Health Facilities Development Corporation, and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

V. NEW BUSINESS

- A. Discussion and consideration to place a Charter Referendum with the upcoming General Election to amend Single Member Districts to designate all at-large. Possible action. (Requested by Commissioner Noriega and Mayor Suarez.)

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

Commissioner Noriega spoke against Single Member Districts and subsequent redistricting, by which she says the majority of Commissioners “choose their voters, rather than voters choosing their representative.” She added it is difficult to recruit new candidates for office and the most recent redistricting effort cost \$50,000.00 in legal fees.

Commissioner Tafolla spoke for Single Member Districts, saying his constituents are happy with it, created in Weslaco by petition of 3000 signatories and vote of 2200, giving more attention to each district and quadrupling voter turnout since.

Commissioner Rivera said that the idea of districts is that a “common person” can

run for office, whose who don't have \$50,000-60,000 to spend on a campaign. Commissioners Pena and Fox suggested placing it back on the constituents; Mayor Pro-Tem Cuellar stated he would place on an agenda for ballot vote reconsideration of Single Member Districts should the City receive a petition from constituents of at least 2,500 signatories, less than mandated by the Charter but as many as originally received compelling the creation of Districts.

Commissioner Noriega and Commissioner Pena withdrew the motion. There was no action on this item.

VII. EXECUTIVE SESSION

Commissioner Pena, seconded by Commissioner Tafolla, moved to take from its posted sequence VII. Executive Session for immediate consideration. The motion carried unanimously; Mayor Suarez was present and voting.

At 6:42 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:13 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

V. NEW BUSINESS

- B. Discussion and consideration on behalf of the Henry Revocable Trust by Mary Hausenfluck to approve the Final Plat of Henry's Corner Subdivision, being a 1.704 acre tract of land out of Farm Tract 190, West and Adams Tracts Subdivision, Hidalgo County, Texas and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

The City Manager explained this is a residential subdivision, with septic and serviced by North Alamo Water Supply Corporation; the Planning and Zoning Commission and staff recommend approval.

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 approve the 2014 Interlocal Agreement with the County of Hidalgo for the implementation of the Community Development Block Grant (CDBG) under Grant No. B-13-UC-48-0501 setting the City's allotment at \$302,528.00 for activities to be carried out in the City's jurisdiction, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

The City Manager stated this is a three year program, previously approved by the Commission; this contract is for the next fiscal year, with projects identified in qualifying low/moderate income tracts, such as waterline improvements and upgrades to Cavazos Park.

Commissioner Tafolla, 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 the emergency purchase in the amount of \$45,830.00 for Module Repair and installation of UV Lamps at the City of Weslaco South Wastewater Treatment Plant from Radiant Industrial Solutions, Inc., authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

The City Manager stated this purchase was to repair the treatment process at the South Waste Water Treatment Plant. In response to Commissioner Noriega, Mr. Salinas stated this qualifies as an emergency because of sanitation concerns. The plant sits three feet below grade and floods whenever it rains; this is the only company that manufactures replacement parts; the cost of a new system is \$290,000.00. The expected lifespan for these parts is 5-10 years.

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

- III. E. Approval of Resolution 2014-28 setting public hearing dates on the proposed annexations. (Staffed by Planning and Code Enforcement Department.) Attachment.

In response to Commissioner Noriega, the City Manager stated that historically the service plans are ready at the first public hearing; Commissioner Pena requested they be placed online.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried with Mayor Suarez and Commissioner Noriega opposed (5-2).

- III. F. Authorization for the solicitation of sealed bids for Street Materials to be utilized in city street improvements and construction, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Facilities Department.) Attachment.

The City Manager stated this is for materials, since the City recently purchased the paver. In response to Commissioner Noriega, Mr. Hinojosa stated that bids are

received sealed then inspected by staff.

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.

VI. REPORTS

A. Status update on the following:

1. Streetlight study:

Mr. Hinojosa stated that the City requested from Magic Valley Electric Cooperative and AEP their locations so that the City need only GPS what streetlights are left to check compliance with ordinance.

2. Sweeper services:

Ms. Garza reported that potential contractors charge about \$100/mile; the City sweeps 180 miles/month. Estimating, it would be \$260,000.00 to contract the service; alternatively, it would be \$212,602.00 to purchase a new sweeper.

3. Clean Sweep schedule; and

Mr. Salinas reported that he is working with Allied Waste toward a Clean Sweep event, tentatively set the last week in August; the City bears the cost of assigned personnel.

4. Valley Nature Center construction.

The City Manager reported the contract is ready to be signed, with ten days notice to proceed; Ohio Casualty hired Prodigy to complete the project and every subcontractor who filed a lien has been paid. The Center should be complete October 22.

VIII. 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. (Requested by the Mayor.)

There was no action on this item.

B. Pending Litigation – Discussion with the City Attorney regarding Cause No. LC14-074JM City of Weslaco and Chachalaca Aero, LLC v. John Pate in the Justice Court Precinct One Place Two, Hidalgo County, Texas as authorized by §551.071(1) of The Texas Government Code.

There was no action on this item.

- C. Pending Litigation – Consult with Special Assigned Counsel Arnold Aguilar regarding Civil Action No. M-13-395, DKIII Hornback Enterprises, Ltd., Plaintiff, v. John Cuellar, Guadalupe Rivera, Jerry Tafolla, Leo Olivarez, and Jose Martinez, David Fox and the City of Weslaco, Defendants in U.S. District Court for the Southern District of Texas, McAllen Division as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

IX. ADJOURNMENT

With no other business before the Commission, at 7:47 p.m. Commissioner Pena, seconded by Commissioner Fox, moved to adjourn the June 17, 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