



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JULY 1, 2014**

On this 1st day of July 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; Bret Mann, Finance Director; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Interim Chief Sergio Ramirez, Police Department; David Arce, Park & Recreation Director; Interim Chief Chris Sanchez, Fire Department; Gloria Givilancz, Grants Compliance Coordinator; Oscar Garcia, 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 27, 2014.
- B. Invocation.
Pastor Faron Thebeau from Primera Bautista 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.
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

II. PUBLIC COMMENTS

There were no public comments received.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 17, 2014. (Staffed by City Secretary's Office.) Attachment.
- B. Approval of the Library Technology Plan for the term of July 1, 2014 – June 30, 2017, identifying a road map for technological development in compliance with ERate regulations. (Staffed by Library.) Attachment.
- C. Approval of Resolution 2014-33 setting public hearing dates on the proposed annexations. (Staffed by Planning and Code Enforcement Department.) Attachment.

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

For the record, the Resolution reads as follows:

RESOLUTION NO. 2014-33

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 28th day of July, 2014 at 5:30 p.m. and on the 29th day of July, 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 1st day of July, 2014.

CITY OF WESLACO
/s/ David Suarez, **MAYOR**

ATTEST:
/s/ Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:
/s/ Ramon Vela, **CITY ATTORNEY**

IV. APPOINTMENTS

- A. Discussion and consideration to approve Resolution 2014-29 appointing one member to an unexpired term on the Weslaco Health Facilities Development Corporation, and authorize the Mayor to execute any related documents. Possible action. (Resignation accepted June 17; there was no action on the appointment. Staffed by City Manager's Office.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve Resolution 2014-29 appointing Dr. Amparo Cardenas to an unexpired term on the Weslaco Health Facilities Development Corporation. The motion carried unanimously; Mayor Suarez was present and voting.

At the request of the City Manager, the City Secretary confirmed an application for board service on file from Dr. Cardenas.

For the record, the Resolution reads as follows:

RESOLUTION NO. 2014-29

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; and

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 Amparo Cardenas is appointed to serve an unexpired term on the Weslaco Health Facilities Development Corporation which will expire no later than February 19th, 2019.

PASSED AND APPROVED on this the 1st day of July, 2014.

CITY OF WESLACO
/s/ David Suarez, **MAYOR**

ATTEST:
/s/ Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:
/s/ Ramon Vela, **CITY ATTORNEY**

- B. Discussion and consideration to approve Resolutions 2014-30 and 2014-31 appointing two members to expired terms on the Planning and Zoning Commission

and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to approve Resolutions 2014-30 and 2014-31 reappointing Randy Summers and Juan Gonzalez to expired terms on the Planning and Zoning Commission. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Resolutions read as follows:

RESOLUTION NO. 2014-30

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PLANNING AND ZONING COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances; and

WHEREAS, the terms of the members of this board are for three years; and

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Randy Summers is appointed to serve on the Planning and Zoning Commission Board and this term will expire on 7th day of July, 2017.

PASSED AND APPROVED on this the 1st day of July, 2014.

RESOLUTION NO. 2014-31

A RESOLUTION OF THE CITY OF WESLACO APPOINTING ONE MEMBER TO THE PLANNING AND ZONING COMMISSION BOARD.

WHEREAS, the City of Weslaco created and established the Planning and Zoning Commission Board pursuant to Subsection 2-36 of Ordinance No. 291, as codified in the City of Weslaco Code of Ordinances; and

WHEREAS, the terms of the members of this board are for three years; and

WHEREAS, the Planning and Zoning Commission Board members shall serve without compensation and unlimited terms; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WESLACO, TEXAS THAT Juan Gonzalez is appointed to serve on the Planning and Zoning Commission Board and this term will expire on 2nd day of July, 2017.

PASSED AND APPROVED on this the 1st day of July, 2014.

CITY OF WESLACO
/s/ David Suarez MAYOR

ATTEST:

/s/ Elizabeth M. Walker, **CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Ramon Vela, **CITY ATTORNEY**

V. OLD 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. (There was no action on this item June 17, 2014; Requested by Commissioner Noriega and Mayor Suarez.)

Commissioner Noriega, seconded by Commissioner Pena, moved to open discussion on this item. Commissioner Noriega delivered a PowerPoint presentation to review the Commission actions 2011-2012 regarding redistricting. The Mayor noted that map three as presented was the closest in population deviation with 6%; the map ultimately selected had the highest deviation.

The Mayor Pro-Tem stated he prefers at-large offices, but respects the process of the petition filed and voted to establish single member districts. Commissioner Fox suggested a hybrid of at-large and single member districts; Commissioners Pena, Rivera, and Tafolla spoke in support of the single member district model for Weslaco.

By roll call vote, the motion failed with Mayor Pro-Tem Cuellar and Commissioners Fox, Pena, Tafolla, and Rivera opposed (2-5).

VI. NEW BUSINESS

- A. Discussion and consideration to select the best qualified, most advantageous consulting firm for the City of Weslaco Five Year Comprehensive Plan, authorize the City Manager to negotiate a professional planning and engineering services contract and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item May 20, 2014; Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Pro-Tem Cuellar, seconded by Commissioner Fox, moved to table the item as presented until the next meeting. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration to select the best qualified, most advantageous consulting firm for the Master Drainage Plan, authorize the City Manager to negotiate a professional engineering services contract for the Drainage Plan, and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item May 20, 2014; Staffed by Planning and Code Enforcement Department.) Attachment.

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

- C. Discussion and consideration to authorize final payments from Hidalgo County Urban County Program to JCON Construction LLC, Pay Application No. Two (Final), in the amount of \$8,205.00 and to Alcocer Garcia Associates, Inc., Invoice No. Five (Final), in the amount of \$912.50 for the Weslaco Public Library Restroom Renovations project and authorize the Mayor and/or City Manager to execute any related documents. Possible action. (Staffed by Public Facilities.) Attachment.

The City Manager reported this \$82,500.00 project is completed.

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 improvements to Harlon Block Sports Complex and authorize a budget amendment as appropriate. Possible action. (Requested by Commissioner Noriega and Mayor Suarez.) Attachment.

Mayor Suarez, seconded by Mayor Pro-Tem Cuellar, moved to open discussion on this item.

Commissioner Noriega requested a sprinkler system as well as a paved trail with asphalt to 9-feet wide at Harlon Block park. Commissioner Tafolla stated he would prefer to do a little work at all parks, than all at one; Commissioner Rivera inquired about the funding source. Mr. Mann stated the City could afford this project as estimated at \$50,000.00 from the General Fund. Commissioner Fox requested a joint workshop with the Parks and Recreation Board to hear their recommendation on improvement priorities; Mayor Pro-Tem requested cost estimates for each proposed improvement.

The City Manager reiterated he cannot support this item at this time but budget meetings commence next month and this may be funded as soon as October 1 after consideration of all budget proposals; he reminded the Commission and staff of the process that directives to personnel come from him.

Mayor Suarez, seconded by Commissioner Pena, moved to authorize no more than \$55,000.00 to pave 9-feet wide the walking trail at Harlon Block Sports Complex. The Mayor Pro-Tem made a point of order that he did not second the amendment though he did second the original motion. By roll call vote, the motion failed as follows: For - Mayor Suarez and Commissioners Noriega and Pena; Against – Mayor Pro-Tem as he believes the motion was not properly put to the Commission; Commissioners Tafolla, Rivera, and Fox stating they request all proposed parks improvements from the Advisory Board, cost, and funding source (3-4).

Commissioner Fox, seconded by Mayor Pro-Tem Cuellar, requested a workshop with the Parks and Recreation Advisory Board followed by a Special Meeting next week to discuss proposed improvements.

VII. EXECUTIVE SESSION

At 7:00 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:25 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 – Consultation with City Attorney regarding Cause No. CL-14-2697-B *Juan J. Garcia, Sr. v. City of Weslaco* in County Court At Law #2 of Hidalgo County pursuant to §551.071 of The Texas Government Code.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, authorized counsel to file an answer regarding Cause No. CL-14-2697-B *Juan J. Garcia, Sr. v. City of Weslaco* in County Court At Law #2 of Hidalgo County. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Personnel – Discussion with the City Manager regarding a separation of employment agreement for City Attorney Ramon Vela as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

IX. ADJOURNMENT

With no other business before the Commission, at 7:27 p.m. Commissioner Tafolla, seconded by Mayor Pro-Tem Cuellar, moved to adjourn the July 1, 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