



**A REGULAR MEETING  
OF THE WESLACO CITY COMMISSION  
TUESDAY, AUGUST 19, 2014**

On this 19<sup>th</sup> day of August 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
Interim City Attorney	Juan Guerra

Also present: Juan Salas, IT Department; Bret Mann, Finance Director; David Salinas, Public Utilities Director; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Joe Pedraza, Health Official; Interim Chief Sergio Ramirez, Police Department; Rudy Garza, Fire Department; Veronica Ramirez, Human Resources Director; Olga Garza, Public Facilities Assistant Director; Sonia Flores, Finance Assistant Director, Gloria Givilancz, Grants Compliance Coordinator, and other staff members and citizens.

**CALL TO ORDER**

**I.**

- A. Certification of Public Notice.  
Mayor Suarez called the meeting to order and certified the public notice of the meeting as properly posted Friday, August 15, 2014.
- B. Invocation.  
Elizabeth Walker, City Secretary, delivered the invocation.
- B. Pledge of Allegiance.  
Mayor Suarez recited the Pledge of Allegiance and the Texas flag.
- C. Roll Call.  
Elizabeth Walker, City Secretary, called the roll, noting perfect attendance.

**II. PUBLIC COMMENTS**

No comments were received.

**III. PUBLIC HEARINGS**

- A. To solicit input on the proposed municipal tax rate of \$0.6867/\$100.00 valuation.

the same rate as last year, for fiscal year 2014-2015 and schedule a record vote September 2 and 16, 2014.

- B. To solicit input on behalf of Marlen Garza, owner and Adela Mireles Gonzalez for a Conditional Use Permit to operate a daycare 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.
- C. To solicit input on behalf of Dolgencorp of Texas, Inc. dba Dollar General Store #14456 for a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 2100 S. Texas Blvd., also being Lot 1, RSBR Weslaco (FM 88) Subdivision, Weslaco, Hidalgo County, Texas.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to open public hearings concurrently at 5:35 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

The City Manager stated the proposed municipal tax rate of \$0.6867/\$100.00 valuation is the lowest tax rate of the Mid-Valley area. He recommended approval of this tax rate, with two readings of the ordinance scheduled September 2 and 16. Mr. Bret Mann clarified after this hearing, the Commission cannot raise the rate, only lower it. No comments were received from the public.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to close the public hearings concurrently at 5:39 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

#### **IV. 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 August 5, 2014. (Staffed by City Secretary's Office.) Attachment.
- B. Approval of the renewal of the Lease Agreement with the Weslaco Youth Football League for the use of Isaac Rodriguez multi-purpose fields and Harlon Block Sports Complex practice area, for a term of four (4) months September 1 - December 31, 2014 and authorize the Mayor to execute any related documents. (Staffed by Parks & Recreation Department.) Attachment.
- C. Approval of the renewal of the Lease Agreement with the DWM United Soccer Club to include use of the City Park Soccer Fields for a term of four (4) months September 1 - December 31, 2014 and authorize the Mayor to execute any related documents. (Staffed by Parks & Recreation Department.) Attachment.
- D. Approval of the renewal of the Lease Agreement with the Mid Valley Youth

Soccer League for the use of the Soccer Fields at the Harlon Block Sports Complex Park as described in Exhibit “A” for a term of four (4) months beginning September 1, 2014 and ending December 31, 2014, and authorize the Mayor to execute any related documents. (Staffed by Parks & Recreation Department.) Attachment.

- E. Approval of the request from H-E-B to place banner promoting Feast of Sharing at intersection of Texas and Pike Boulevards and authorize the Mayor to execute any related documents as may be required by the Texas Department of Transportation. (Staffed by Parks & Recreation Department.) Attachment.
- F. Authorization of the solicitation of proposals for the Rehabilitation of Lift Station 37, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities Department.) Attachment.
- G. Approval of the renewal of the partnership with Texas A&M University – Kingsville (TAMUK) and the Task Force by participating in the Texas Commission on Environmental Quality (TCEQ) Non-Point Source Program FY 2015 Clean Water Act Section §319(h) Grant program, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Utilities.) Attachment.
- H. Approval of Amendment #1 to 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. (Agreement approved June 17, 2014; Staffed by City Manager’s Office.) Attachment.
- I. Authorization of the solicitation of proposals for automated irrigation system for detention easement area granted by Weslaco Independent School District. (Staffed by Planning and Code Enforcement Department.) Attachment.
- J. Authorization of the solicitation of sealed bids for two (2) 1996 – 1998 Used Dump Trucks with a 5–15 yard capacity, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. (Staffed by Public Facilities.) Attachment.
- K. Approval of a budget amendment in an amount not to exceed \$15,000.00 for Fiscal Year 2014 from the Water Fund (51) to the General Fund (01) for the Maintenance of Streets and Motor Fuel and Lube expenses for the Streets & Drain Ditch Maintenance divisions. (Staffed by Public Facilities.) Attachment.

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

**V. OLD BUSINESS**

- A. Discussion and consideration to approve a Professional Services Agreement to prepare the City of Weslaco Five Year Comprehensive Plan and the Master Drainage Plan, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (There was no action on this item August 5, 2014; Staffed by Planning and Code Enforcement Department.) Attachment.

The City Manager stated the last update was made in 2006 and 2008 for the Master Drainage Plan and Five Year Comprehensive Plan, respectively. Though he previously recommended paving instead, since those funds had been programmed there is funding available from the Certificate of Obligation as identified last year. He recommended funding these projects at this time and to contract with Gonzalez de la Garza to complete them.

In response to Commissioner Noriega, the City Manager clarified that Gonzalez de la Garza had not submitted their qualifications during the Request for Qualifications process, however, he recommends this firm. In response to Mayor Suarez, Interim City Attorney Juan Guerra stated the only potential legal repercussion in his opinion would be a null and void contract; the City would not be liable in any other way.

Mayor Pro-Tem Cuellar, seconded by Commissioner Tafolla, moved to approve the item as presented. The motion carried with Mayor Suarez and Commissioners Pena and Noriega against (4-3).

- B. Discussion and reconsideration 1) to extend current policies, 2) authorize self-insured options, or 3) authorize staff to solicit proposals from qualified insurance carriers for Group Health Insurance and authorize the Mayor to execute any related documents. Possible action. (Commission extended policy August 5, 2014; Staffed by Human Resources.) Attachment.

The City Manager recommended to solicit proposals from qualified insurance carriers for Group Health Insurance, as the current contract with Aetna cannot be extended past September 30, 2014. The Interim City Attorney added there was no language in the contract to extend the current policy, so based on a memorandum written by Ramon Vela, he recommended to authorize staff to solicit proposals. The Mayor Pro-Tem stated alternatively the City may enforce the 15% increase as offered by Aetna and keep to the schedule.

Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to authorize staff to solicit proposals from qualified insurance carriers for Group Health Insurance and authorize the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

## **VI. NEW BUSINESS**

- A. Discussion and consideration on behalf of Marlen Garza, owner and Adela Mireles Gonzalez to approve a Conditional Use Permit to operate a daycare 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 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 twenty-percent of affected property owners protested; Staffed by Planning and Code Enforcement Department.) Attachment.

The City Manager noted the Planning and Zoning Commission recommended approval with conditions, including proof of licenses, hours of operation 7:00 a.m. – 5:30 p.m., and fencing. Mr. Mardoqueo Hinojosa clarified it is a different operator, though same location as a previous daycare at the site and satisfies zoning requirements for R-1.

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.

- B. Discussion and consideration on behalf of Dolgencorp of Texas, Inc. dba Dollar General Store #14456 to approve a Conditional Use Permit to obtain a Wine and Beer Retailer’s Off-Premise Permit at 2100 S. Texas Blvd., also being Lot 1, RSBR Weslaco (FM 88) Subdivision, Weslaco, 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 noted the Planning and Zoning Commission and staff recommended approval of this conditional use permit; the notice was published in the newspaper on July 21, 2014.

Commissioner Pena, 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 Ordinance 2014-10, the “Peddlers and Solicitors Ordinance,” in order to amend ordinance number 96-14, codified as Part II Chapter 102 of the Weslaco Code of Ordinances, adopting new regulations, repealing prior ordinances and providing for servability. First Reading of Ordinance 2014-10. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

There was no action on this item.

- D. Discussion and consideration to authorize the purchase of components for the 5300 Mammoth Rotor for the South Wastewater Treatment Plant, from a sole source vendor EVOQUA Water Technologies LLC for the amount not to exceed \$49,800.00 as per quote No. 06-25-2014-MR-FR, authorize a budget amendment as appropriate and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities.) Attachment.

The City Manager recommended replacement of the rotor, as two out of five rotors currently are not working. Mr. David Salinas clarified the rotors have only a one year warranty; the proposed action replaces one rotor with the other proposed for replacement October 1.

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.

- E. Discussion and consideration to approve the Election Services Contract with the Hidalgo County Elections Department to conduct the Joint City of Weslaco and Weslaco Independent School District General Election of November 4, 2014 pursuant to Texas Election Code Chapter 271, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Office of the City Secretary.) Attachment.

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

- F. Discussion and consideration to approve payment to Amigos del Valle, Inc. and authorize a budget amendment as appropriate. Possible action. (Requested by Commissioner Noriega and Mayor Suarez.)

The City Manager reported a check was issued Friday in payment to Amigos del Valle, Inc. There was no action on this item.

## **VII. REPORT**

- A. Update on the ongoing operation of the Weslaco Animal Shelter and the 2014-2015 Intergovernmental Cooperative Agreement with Palm Valley Animal Center. (Requested by Mayor Pro-Tem Cuellar and Commissioner Pena.)

Health Official Joe Pedraza reported on the ongoing operation of the Weslaco Animal Shelter, stating that a meeting of the Weslaco Animal Shelter Advisory Board is scheduled for August 25, 2014 to discuss creating a social media site, as well as collaborating with local animal rescue groups, including Forgotten Friends and Recycled Rovers Rescue to help limit the number of animals being euthanized. He clarified that the facility follows a program year, commencing in May, and noted that 90% of the animals processed through the facility are owner-relinquished.

In response to Commissioner Noriega, Mr. Pedraza stated that he would assign personnel to post pictures of lost and found pets online while meeting other work priorities. Commissioner Noriega recommended advertising for volunteers to help.

Commissioner Pena requested to have a follow-up report at the next regular meeting to discuss the updates on the program.

## **VIII. EXECUTIVE SESSION**

At 6:44 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:17 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

**IX. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION**

- A. 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.

- B. Contract Negotiations – Discussion with City Manager and City Attorney regarding the Architectural and Construction Oversight Contract between the City of Weslaco and Boultinghouse Simpson Gates Architects for the design and construction oversight of the New Valley Nature Center as authorized by §551.071 of the Texas Government Code. (Requested by Mayor Suarez.)

There was no action on this item.

- C. Pending Litigation - Consultation with City Attorney regarding in re No. P-35,821 *In the Estate of Fernando Saenz, Deceased*, in the Probate Court of Hidalgo County, Texas as authorized by §551.071 of the Texas Government Code.

There was no action on this item.

**X. ADJOURNMENT**

With no other business before the Commission, at 8:17 p.m. Mayor Pro-Tem Cuellar, seconded by Commissioner Rivera, moved to adjourn the August 19, 2014 regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

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MAYOR, David Suarez

ATTEST:

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CITY SECRETARY, Elizabeth M. Walker

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MAYOR PRO-TEM, J.F. “Johnny” Cuellar

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COMMISSIONER, David R. Fox

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COMMISSIONER, Olga M. Noriega

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COMMISSIONER, Gerardo “Jerry” Tafolla

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COMMISSIONER, Lupe Rivera

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COMMISSIONER, Fidel L. Pena, III