



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, DECEMBER 16, 2014**

On this 16th day of December 2014 at 6:51 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	Olga Noriega
Commissioner	David R. Fox
Commissioner	Greg Kerr
Commissioner	Gerardo “Jerry” Tafolla
Commissioner	Lupe Rivera
Commissioner	Fidel L. Pena, III
Interim City Manager	Elizabeth Walker
Records Specialist	Nikki Mowbray
City Attorney	Frank Garza

Also present: Juan Salas, IT Department; Sonia Flores, Assistant Finance Director; David Salinas, Public Utilities Director, Trinidad Cantu, Assistant Public Utilities Director; Mardoqueo Hinojosa, City Engineer/Interim Planning Director; Interim Chief Chris Sanchez, Fire Department; Ted Walensky, Police Department; David Arce, Parks and Recreation Director; Christine Suing, Human Resources; Olga Garza, Public Facilities Assistant Director; George Garrett, Airport Director; Arnold Becho, Library Director; Martin Mata, Library Assistant 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, December 12, 2014.
- B. Invocation.
Pastor Bob Slade from Love of Christ Church delivered the invocation.
- C. Pledge of Allegiance.
Mayor Suarez recited the Pledge of Allegiance and Mayor-Pro Tem Noriega recited the Texas flag.
- D. Roll Call.
Nikki Mowbray, Records Specialist, called the roll, noting perfect attendance.
- E. Christmas Tree Lighting Ceremony.

The Commission joined the public in front of City Hall for the inaugural tree lighting ceremony.

II. PUBLIC COMMENTS

Mr. Rene Vela requested road repairs on Twelfth Street, recently annexed.

III. PUBLIC HEARINGS

- A. To solicit input on behalf of Dora Alejandro for a Conditional Use Permit to obtain a Wine and Beer Retailer's On- Premise and Late Hours at 2901 West Highway 83, also being 1.7295 acres of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas.
- B. To solicit input on behalf of Katherine Gonzalez to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 730 Victory Drive, also being Lots 7-12, Block 2, Villa Vista Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District.
- C. To solicit input on behalf of William Denem to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 416 East 18th Street, also being West Tract an Irrigation Tract E15.4'-N 295`FT 751 & W132.6'-N295`FT 751 1.00 acres, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to open public hearings concurrently at 7:05 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

In regards to item III.B, Mr. Mardoqueo Hinojosa stated the Planning and Zoning Commission recommended denial, as it is not a part of the Comprehensive Plan, though B-4 is an allowed use within a neighborhood.

Ruben Montalvo, 746 Victory Drive and Armadina Vazquez, 621 Northridge spoke in opposition of Item III.B, claiming it would increase already high traffic levels in the area.

Commissioner Pena, seconded by Commissioner Tafolla, moved to close all public hearings concurrently at 7:13 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 December 2, 2014. (Staffed by City Secretary's Office.) Attachment.
- B. Approval on Second and Final Reading of the following:
 - 1. Ordinance 2014-23, prohibiting the sale, exhibition, and possession of fireworks within the City of Weslaco, and authorize the Mayor to execute any related documents. (First reading held December 2, 2014; Staffed by Fire Department.) Attachment.
 - 2. Ordinance 2014-24, establishing the construction and maintenance of sidewalks and curbs on private property throughout the city for the safety and convenience of pedestrians, and authorize the Mayor to execute any related documents. (First reading held December 2, 2014; Staffed by Planning & Code Enforcement Department.) Attachment.
- C. Approval of the renewal of the agreements with the Task Forces (Drug Enforcement Agency, Federal Bureau of Investigations and United States Marshal) to enhance local law enforcement operations at no cost to the City, to receive grant monies to ensure reimbursable pay from the Task Forces in any overtime pay that is being distributed, and authorize the Mayor and/or designated staff to execute any related documents. (Staffed by Police Department.) Attachment.
- D. Approval of the request from the Weslaco Area Chamber of Commerce to hold the 26th Annual Texas Onion Fest on Saturday, March 28, 2015 at the Weslaco City Park on Airport Drive, to sell beer during the event, to place a banner promoting the event at the intersection of Texas and Pike Boulevard for two weeks prior to the event, and to waive appropriate ordinances associated with the event. (Staffed by Parks and Recreation Department.) Attachment.
- E. Approval of an interlocal agreement with Texas A&M University-Kingsville (TAMUK) and Resolution 2014-70 appointing the Parks & Recreation Director as a member and the Building Maintenance Supervisor as an alternate member to the Lower Rio Grande Valley Sports Complex and Municipal Parks Environmental Council. (Staffed by Public Utilities Department.) Attachment.

Mayor Pro-Tem Noriega requested IV. B(1) be withdrawn from the consent agenda for further consideration.

Commissioner Tafolla, seconded by Commissioner Pena, moved to approve items III. A, B(2), C, D, and E as presented. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Ordinance reads as follows:

ORDINANCE 2014-24

AN ORDINANCE REPEALING ORDINANCE NUMBER 33, THE CITY OF WESLACO STREETS AND SIDEWALKS ORDINANCE; CODIFIED AS CHAPTER 118 OF THE WESLACO CODE OF ORDINANCES, ADOPTING NEW REGULATIONS; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREOF.

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WESLACO TEXAS THAT:

SECTION I.

Ordinance 33 passed and approved on March 20, 1928 as “Streets and Sidewalks Ordinance” and Codified as Chapter 118 of the Weslaco Code of Ordinances is hereby repealed in its entirety.

SECTION II.

After second and final reading of this Ordinance the new streets and sidewalk ordinance will be adopted and codified as Chapter 118 of the Weslaco Code of Ordinances and said Chapter shall read as follows:

CHAPTER 118 STREETS AND SIDEWALKS ORDINANCE

Sec. 118.01 Generally

This chapter provides for the construction of maintenance of sidewalks and curbs on private property throughout the city for the safety and convenience of pedestrians. This chapter is enforced by the Americans with Disabilities Act (ADA) Coordinator. ADA Coordinator is the Director of Planning or Designee.

Sec. 118.02 Design Standards

(a) All sidewalks installed within the city shall comply with city design standards for width, location, construction material, finish, appearance and structural quality. “City design standards,” as that term is used in this article, shall meaning the following:

- 1) Sidewalks shall be constructed of concrete unless otherwise approved by the planning department
- 2) Sidewalks in residential areas shall be four feet in width.
- 3) Sidewalks in multi-family/commercial or industrial areas shall be five in width.
- 4) Sidewalks in residential zones shall be constructed a minimum of two feet from the back of curb unless otherwise approved by the planning department.
- 5) If physical constraints, sidewalk continuity, urban type development or other factors require sidewalks to be placed against the back of curb, the width of the sidewalk shall be increased to a minimum of five feet. In locations where buildings are typically constructed at the property line (for example area zoned B-3 central business district), the minimum sidewalk

width shall either be:

- i. 7.5 feet; or
 - ii. The distance between the property line and the leading edge of the street or the back edge of the curb is applicable is said distance is less than 7.5 feet.
- 6) "Meandering" sidewalks are permitted but shall be no closer than four feet from the back of curb at the nearest point.
 - 7) If any connection opportunities exist, sidewalk must be connected.
- (b) Sidewalks and related sidewalk ramps shall conform to Americans with Disabilities Act (ADA) and Texas Accessibility Standards requirements.
 - (c) The specific design and location of all sidewalks must be in accordance with the current subdivision sidewalk plan however if no such plan exists as part of the subdivision the design and location shall be reviewed by the planning department before being approved.

Sec. 118.03 Newly-developing areas.

- (a) Sidewalks are required on both sides of all publicly-maintained streets within the city.
- (b) The location and design of sidewalks shall normally be determined during the subdivision process or if subdivision has already occurred then at the site review/building process access.
- (c) Due to the potential damage sidewalks can incur during the construction of homes and other buildings, sidewalks should not be installed until building work has been completed on individual properties. Exceptions may be made for streets that are without direct property access.
- (d) Implementation and construction costs of all sidewalks in newly developing areas shall be paid by the developer, builder or property owner. The city shall not be liable for any sidewalk implementation or construction cost.
- (e) All required sidewalks shall be installed prior to final inspection or issuance of a certificate of occupancy.

Sec. 118.04 Redeveloping areas

- (a) A redeveloping or redeveloped area, as those terms are used in this chapter means the issuance of a building permit for construction that equals or exceeds 50 percent of the appraised value of any existing improvements as determined by the appraisal district in which the property is located.
- (b) Sidewalks shall be required in redeveloping areas in the same manner as in "newly developing areas" when redevelopment occurs.
- (c) The cost of required sidewalks shall be paid for by the developer, builder or property owner; the city will not participate in the cost.

- (d) All required sidewalks shall be installed prior to final inspection or issuance of a certificate of occupancy.

Sec. 118.05 Existing developed areas

- (a) New sidewalks. New sidewalks may be installed in existing developed areas by either of the following methods:

- 1) By the property owner at the property's owner expense. Property owners may construct sidewalks along their property frontage at their expense. Sidewalks constructed by individual property owners shall conform to the city design standards and will be inspected by the city at no expense to the property owner.

- i. Sidewalks constructed by private property owners must be constructed by qualified contractors under permit by the planning and code enforcement department.

- 2) By the city at city's expense. The city may install sidewalks to enhance the safety and convenience of pedestrians. Priority is given to continuous sidewalks that serve a higher number of pedestrians on more heavily-traveled streets or where children typically walk to schools, parks and community centers. City staff prioritizes locations and these are approved by city commission annually. The number of sidewalks constructed each year is dependent upon funding availability. The city may also install sidewalks as part of a city-funded street reconstruction or public building construction project.

- (b) Replacement sidewalks. The maintenance and repair of sidewalks is the responsibility of each individual property owner. The city reserves the right to inspect all sidewalks within city rights-of-way and to notify property owners to make repairs when sidewalks become unsafe.

- 1) Examples of conditions rendering sidewalks unsafe shall include but not be limited to:

- i. Uneven sidewalks
 - ii. Broken concrete
 - iii. Overgrown weeds.

- 2) Where sidewalks repair or replacement is impractical due to physical conditions or lack of right-of-way, the city may elect to remove the sidewalk and return the property to grass.

Sec. 118.06 Sidewalk plans

- (a) Sidewalk plans shall be required for any new subdivision and shall be submitted during platting process and shall also contain the following information:

- 1) Location of sidewalks, landings, and curb ramps.
- 2) Design specifications and details.
- 3) Identify the party responsible for the construction of the sidewalks.

(b) Sidewalk plans will be reviewed during the subdivision process and approved by the city planning department.

Sec. 118.07 Special provisions

If special conditions make sidewalks construction infeasible, unnecessary or undesirable, and such conditions have been verified by city staff, the sidewalk requirement may be waived. Such waivers shall be only granted by the board of adjustments and upon submission of an application requesting a hearing before the board of adjustments.

Sec. 118.08 Depositing trash, etc., in streets

It shall be unlawful to throw any dirt, filth, broken glass, wire, tin cans, or other matter that endangers the safe use of the streets. Sidewalks must be clear of obstructions impeding pedestrian flow, according to ADA regulations. Regulation is enforced by Code Enforcement Department.

Sec. 118.09 Enforcement and penalties; severability

A violation of any provisions of this chapter shall be punishable in accordance with Master Fee Schedule. The terms and provisions of this article are severable in accordance with section Master Fee Schedule.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 2nd day of December, 2014.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 16th day of December, 2014.

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

ATTEST:
/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:
/s/ Frank Garza, **CITY ATTORNEY**

- IV. B. Approval on Second and Final Reading of Ordinance 2014-23, prohibiting the sale, exhibition, and possession of fireworks within the City of Weslaco, and authorize the Mayor to execute any related documents. (First reading held December 2, 2014; Staffed by Fire Department.) Attachment.**

Commissioner Rivera, seconded by Commissioner Pena, moved to approve.

In response to Mayor Pro-Tem Noriega, the City Attorney clarified that upon passage of this ordinance, current businesses would be in violation of the ordinance's

possession clause after January 2, 2015. Mayor Suarez expressed concern about the impact on recently annexed businesses. Commissioner Rivera withdrew the motion.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to table this item. The motion carried unanimously; Mayor Suarez was present and voting.

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 2014-65, and 2014-66 appointing two members to expired terms on the Planning and Zoning Commission. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Pro-Tem Noriega stated Charles Warren would like to continue to serve on the Commission; Commissioner Kerr added that Lonnie Berry would like to continue to serve as well.

Commissioner Tafolla, seconded by Commissioner Pena, moved to approve Resolutions 2014-65 and 2014-66, reappointing Charles Warren and Lonnie Berry, respectively, to expired terms on the Planning and Zoning Commission. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration to approve Resolution 2014-67 appointing one member to an expired term on the Board of Adjustments & Appeals – Zoning Board. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to approve Resolution 2014-67 reappointing Roberto Escobar Jr. to an expired term on the Board of Adjustments & Appeals – Zoning Board. The motion carried unanimously; Mayor Suarez was present and voting.

- C. Discussion and consideration to approve Resolution 2014-68 appointing one member to an expired term on the Ambulance Advisory Board. Possible action. (Staffed by Fire Department.) Attachment.

In response to Mayor Pro-Tem Noriega, the Interim City Manager explained the appointment is considered at large, so the appointment does not have to be a city official. Commissioner Fox stated he would render his seat to allow the public to serve on the board.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to approve Resolution 2014-68 appointing Leticia Lopez to an expired term on the Ambulance Advisory Board. The motion carried unanimously; Mayor Suarez was present and voting.

VI. OLD BUSINESS

- A. Discussion and consideration to approve Ordinance 2014-18 on the Second and Final Reading regarding the voluntary annexation of Sinai Subdivision also being the 4.24 acre tract of land out of Farm Tract No. 708, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, located east of Mile 3 ½ West, approximately 2,027 feet north of Mile 6 North Road. Possible action. (This item was tabled December 2, 2014; first reading held October 21, 2014. Staffed by Planning and Code Enforcement.) Attachment.

Commissioner Pena, seconded by Commissioner Tafolla, moved to remove this item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

Mr. Mardoqueo Hinojosa clarified this area to be annexed is located off Pleasantview Drive approximately 200 feet south of 12th Street. In response to Mayor Suarez, Mr. Hinojosa stated Mr. Ramon Vela issued a legal opinion that the law permits the annexation along the right-of-way to the property. The City Attorney verified this legal opinion remains valid.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to approve Ordinance 2014-18 on the Second and Final Reading regarding the voluntary annexation of Sinai Subdivision also being the 4.24 acre tract of land out of Farm Tract No. 708, West & Adams Tract Subdivision, Weslaco, Hidalgo County, Texas, located east of Mile 3 ½ West, approximately 2,027 feet north of Mile 6 North Road. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Ordinance reads as follows:

ORDINANCE NO. 2014-18

AN ORDINANCE ANNEXING ADDITIONAL TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF WESLACO, HIDALGO COUNTY, TEXAS ON CONSENSUAL PETITION OF AREA LAND OWNER SUCH LAND BEING 4.24 ACRE TRACT OF LAND OUT OF FARM TRACT NO. 708, WEST AND ADAMS TRACT SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS.

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

SECTION i: THERE IS HEREBY ANNEXED ON CONSENSUAL PETITION OF AREA LANDOWNER AS PART OF THE TERRITORY WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF WESLACO THE FOLLOWING TRACT LOCATED IN HIDALGO COUNTY, TEXAS, THAT TOTALS TO 6.48 ACRES AND ARE MORE SPECIFICALLY DESCRIBED AS FOLLOWS, TO-WIT:

METES AND BOUNDS DESCRIPTION 4.24 ACRE TRACT OF LAND OUT OF FARM TRACT NO. 708, WEST AND ADAMS TRACT SUBDIVISION, WESLACO, HIDALGO COUNTY, TEXAS.

A tract of land our of Farm Tract 708, the West and Adams Tract Subdivision, Hidalgo County, Texas, according to the map thereof recorded in Volume 2, Page 34 thought 37, map records of Hidalgo County, Texas; said tract of land being more particularly described by metes and bounds as follows:

Beginning at the southeast corner of La Paloma De La Sombras Subdivision, said point being Mile 3 ½ West Road, according to the map thereof recorded in Volume 28, Page 71B, map records of Hidalgo County, Texas;

THENCE, South, along the right of way line of said Mile 3 ½ West Road a distance of 193.50 feet to a point on the east right of way of said Mile 3 ½ West;

THENCE, East, parallel to the north line of said Farm Tract 708, a distance of 187.00 feet to a 5/8-inch iron pipe found for an inside corner;

THENCE, North, 114.00 feet to a 5/8-inch iron pipe found for the northerly northwest corner of said tract herein described;

THENCE, EAST, 711.46 FEET TO A 5/8-INCH IRON PIPE FOUND FOR THE NORTHEAST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, SOUTH 00° 29' WEST, 219.35 FEET, WITH THE EAST LINE OF SAID FARM TRACT 708 TO A 1/2- INCH IRON ROD FOUND WITH A PLASTIC CAP STAMPED "RRA" FOR THE SOUTHWEST CORNER OF SAID STRACT HEREIN DESCRIBED;

THENCE, WEST, AT A DISTANCE OF 901.90 FEET PAST A 5/8-INCH IRON ROD FOUND FOR REFERENCE 0.30 FEET WEST OF THE EAST RIGHT-OF-WAY LINE OF MILE 3 ½ WEST ROAD AND CONTINUING FOR A TOTAL DISTANCE OF 926.60 FEET TO A COTTON PICKER SPINDLE FOUND ON THE WEST LINE OF SAID FARM TRACT 708 FOR THE SOUTHWEST CORNER OF SAID TRACT HEREIN DESCRIBED;

THENCE, NORTH 298.25 FEET WITH THE WEST LINE OF FARM TRACT 708 AND THE OF MILE 3 ½ WEST ROAD TO THE POINT OF BEGINNING AND CONTAINING 4.24 ACRES OF LAND MORE OR LESS.

SECTION ii: THIS ORDINANCE SHALL BE PUBLISHED IN ONE (1) NEWSPAPER OF GENERAL CIRCULATION PUBLISHED IN WESLACO, ONCE A WEEK FOR TWO (2) WEEKS, AFTER THE LAST READING OF THE ORDINANCE.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 21st day of October, 2014.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 16th day of December, 2014.

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

ATTEST:
/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **CITY ATTORNEY**

- B. Discussion and consideration to approve Ordinance 2014-19 on the Second and Final Reading, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 3602 North Texas Blvd., also West Tract Northwest 1.25 acres an Irrigation Tract S228'-N558'-W345' of Farm Tract 109, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. Possible action. (This item was tabled December 2, 2014; First reading held November 18, 2014; Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Pena, seconded by Commissioner Tafolla, moved to remove this item from the table. The motion carried unanimously; Mayor Suarez was present and voting.

In response to Commissioner Pena, Mr. Mardoqueo Hinojosa explained the intent of this proposed rezone is for office use; the applicant filed an affidavit in good faith it would not be her intent to park solid waste trucks at this location. The City Attorney verified this is the applicant's word under oath; this affidavit will serve as the City's legal recourse.

Commissioner Pena, seconded by Commissioner Tafolla, moved to approve Ordinance 2014-19 on the Second and Final Reading, amending Ordinance 320 and the City of Weslaco Zoning map to rezone 3602 North Texas Blvd., also West Tract Northwest 1.25 acres an Irrigation Tract S228'-N558'-W345' of Farm Tract 109, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. The motion carried unanimously; Mayor Suarez was present and voting.

For the record, the Ordinance reads as follows:

ORDINANCE NO. 2014-19

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 320 AND AMENDING THE ZONING MAP OF THE CITY OF WESLACO TO CHANGE THE ZONING OF 3602 NORTH TEXAS BLVD., ALSO WEST TRACT NORTHWEST 1.25 ACRES AN IRRIGATION TRACT S228'-N558'-W345' OF FARM TRACT 109, WESLACO, HIDALGO COUNTY, TEXAS, FROM R-1 ONE FAMILY DWELLING DISTRICT TO B-1 NEIGHBORHOOD BUSINESS DISTRICT.

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

SECTION I: R-1 Single Family Dwelling District to B-1 Neighborhood Business District, West Tract Northwest 1.25 acres an Irrigation Tract S228'-N558'-W345' of Farm Tract 109, also being 3602 North Texas Blvd, Weslaco, Hidalgo County, Texas.

SECTION II: That this ordinance shall become effective upon its passage.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 18th

day of November, 2014.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 16th day of December, 2014.

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

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **CITY ATTORNEY**

VII. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Dora Alejandro to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's On- Premise and Late Hours at 2901 West Highway 83, also being 1.7295 acres of Farm Tract 626, West Tract Subdivision, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated the Planning and Zoning Commission recommended approval of this bar business, with condition that a security guard be on the premises on Friday and Saturday between the hours of 9:00 p.m. and 2:00 a.m. In response to Commissioner Tafolla, Mr. Hinojosa stated no opposition was received from the public.

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

- B. Discussion and consideration after public hearing on behalf of Katherine Gonzalez to approve Ordinance 2014-25 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 730 Victory Drive, also being Lots 7-12, Block 2, Villa Vista Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First Reading of Ordinance 2014-25. 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 & Code Enforcement Department.) Attachment.

Mr. Hinojosa stated the Planning and Zoning Commission recommended denial as the applicant originally stated she desired only home office use; she has since clarified that more than one employee would report to work at the location. The City Attorney stated the City zoning does not permit mixed zoning at a location, presently the applicant must opt residential or commercial use.

Commissioner Tafolla, seconded by Mayor Suarez, moved to approve the item as presented. The motion failed with all opposed (0-7); Mayor Suarez was present and

voting.

- C. Discussion and consideration after public hearing on behalf of William Denem to approve Ordinance 2014-26 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 416 E 18th St., also being West Tract an Irrigation Tract E15.4`-N 295`FT 751 & W132.6`-N295`FT 751 1.00 acres, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-1 Neighborhood Business District. First Reading of Ordinance 2014-26. Possible action. (Staffed by Planning & Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated the Planning and Zoning Commission recommended approval of this item; no opposition was received from the public.

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

- D. Discussion and consideration to approve the Memorandum of Understanding with First Baptist Church Weslaco for the creation and operation of a safe haven and warming station and authorize the Mayor to execute any related documents. Possible action. (Staffed by City Manager's Office.) Attachment.

Mr. George Garrett stated the Red Cross will provide training for station volunteers at no charge; the City will provide cots and blankets to accommodate a capacity of 20 people. Mr. Garrett explained this is only meant to serve as a comfort/warming station overnight; citizens are not meant to stay for the entire day at the church.

Pastor Steve Parker of First Baptist Church expressed two concerns with the language of the Memorandum of Understanding, requesting a sentence regarding the church's ability to choose to not open the station due to potential unforeseen events; and a statement regarding the church's ability to dissolve the relationship at any time, as the City already has this ability within the contract.

In response to Mayor Pro-Tem Noriega, Mr. Garrett explained he would use various media announcements to initially get the word out about the warming station, as well as advise police and fire departments to spread the word to the citizens in need.

Commissioner Pena, seconded by Commissioner Fox, moved to approve the Memorandum of Understanding with First Baptist Church Weslaco for the creation and operation of a safe haven and warming station amended with terms as requested and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration to approve a Lease Agreement with U.S. Congressman Filemon Vela's Office and authorize the Mayor to execute any related documents. Possible action. (Requested by the Economic Development Corporation.)

Attachment.

Mr. Joey Trevino, on behalf of the Weslaco Economic Development Corporation, recommended approval to secure a congressional office in downtown Weslaco; he proposes the City paying utilities and it must be a direct contract with the City.

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

- F. Discussion and consideration to approve Ordinance 2014-27 authorizing and allowing, under the act governing the Texas Municipal Retirement System, "Update Service Credits" in said system on an annual basis for service performed by qualifying members of such system who at the effective date of the allowance are members of the City of Weslaco; providing for increased prior and current service annuities for retirees and beneficiaries of deceased retirees of the City; and establishing an effective date of January 1, 2015 for such actions. First and Final Reading of Ordinance 2014-27. Possible action. (Staffed by Finance Department.) Attachment.

Ms. Sonia Flores stated the TMRS contribution would increase to 6.59% effective January 1, 2015, from the current rate of 6.54%. In response to Mayor Suarez, Ms. Flores verified this increase already had been budgeted.

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

For the record, the Ordinance reads as follows:

**Ordinance 2014-27
TEXAS MUNICIPAL RETIREMENT SYSTEM**

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO PRESENTLY ARE MEMBERS OF THE CITY OF WESLACO; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; PROVIDING FOR INCREASED MUNICIPAL CONTRIBUTIONS TO THE CURRENT SERVICE ANNUITY RESERVE AT RETIREMENT OF THE EMPLOYEES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR SUCH ACTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESLACO, TEXAS:

Section 1. Authorization of Updated Service Credits.

- (a) On the terms and conditions set out in Sections 853.401 through 853.403 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS ACT"), each member of

the Texas Municipal Retirement System (hereinafter referred to as the "System") who has current service credit or prior service credit in the System in force and effect on the 1st day of January of the calendar year preceding such allowance, by reason of service in the employment of the City, and on such date has at least 36 months of credited service with the System, shall be and is hereby allowed "Updated Service Credit" (as that term is defined in subsection (d) of Section 853.402 of said title) in an amount that is **50%** of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 853.402 of said title). The Updated Service Credit hereby allowed shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(b) On the terms and conditions set out in Section 853.601 of said title, any member of the System who is eligible for Updated Service Credits on the basis of service with this City, and who has unforfeited credit for prior service and/or current service with another participating municipality or municipalities by reason of previous service, and was a contributing member on 1st day of January of the calendar year preceding such allowance, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in said 853.601.

(c) In accordance with the provisions of subsection (d) of Section 853.401 of said title, the deposits required to be made to the System by employees of the several participating departments on account of current service shall be calculated from and after the date aforesaid on the full amount of such person's earnings as an employee of the City.

Section 2. Increase in Retirement Annuities.

(a) On terms and conditions set out in Section 854.203 of Subtitle G of Title 8, Government Code, as amended, the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of this City under current service annuities and prior service annuities arising from service by such employees to this City.

An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of annuity increase under this Section is computed as the sum of the prior and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by **30%** of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this ordinance.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereby.

(e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of this City and of its account in the benefit accumulation fund of the System.

Effective Date

Subject to approval by the Board of Trustees of the system, this ordinance is declared an emergency measure because the money the City of Weslaco is saving by reducing its contribution to the current

service annuity reserve of each member is necessary to provide for the usual daily operations of each department and to pay salaries and wages in those departments and become effective on the **1st day of January 2015**.

PASSED AND APPROVED on first as final reading at a regular meeting of the City Commission this 16th day of December, 2014.

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

ATTEST:

/s/ Rebekah de la Fuente, **INTERIM CITY SECRETARY**

APPROVED AS TO FORM:

/s/ Frank Garza, **CITY ATTORNEY**

- G. Discussion and consideration to authorize staff to solicit Request for Qualifications to assist in the development of bid specifications and contract oversight required for the operations and management of the City of Weslaco Water, Wastewater, and Lift Station Facilities, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

Mr. David Salinas explained the under the direction of the Interim City Manager, he would like to solicit proposals to request qualifications for companies to assist in creating the bid specifications. The Interim City Manager clarified the intent is to secure a third party in order to assist the City in authoring the bid specifications, provide assistance in ranking the bid tabulations and providing to the Commission some contract oversight to whoever is awarded the bid. She explained her intention is to preserve the Commission's option to go out to bid for the water, wastewater, and lift station facilities operations and management, with directive that the City's own Public Utilities Department will compete in the bid that way the Commission may compare public versus private sector provision of services within the same metrics.

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

- H. Discussion and consideration to waive the criteria requirements specified in Ordinance 2011-16, codified as Article VIII §82.201-204, and to approve Resolution 2014-69 assigning and/or changing the name of the Weslaco City Park, and authorize the Mayor to execute any related documents. Possible action. (A three-fourths vote is required to waive the criteria; Requested by Mayor Suarez and Mayor Pro-Tem Noriega.)

Mayor Suarez read a letter of request received to change the name of Weslaco City Park to Pablo G. Pena Park. Mr. Pena, elected mayor of Weslaco in 1971 at the age of 34, was the first Weslaco Mayor in the first local election in which the citizens of Weslaco were not required to pay a poll tax, thus "making him the first Weslaco

mayor elected by a true majority of citizens.”

Commissioner Pena, seconded by Mayor Pro-Tem Noriega, moved to waive the criteria requirements specified in Ordinance 2011-16, codified as Article VIII §82.201-204, and to approve Resolution 2014-69 assigning and/or changing the name of the Weslaco City Park to Pablo G. Peña City Park , and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

The Commission posed for photographs with Mr. Peña.

- I. Discussion and consideration to direct staff to prepare a standardized policy, including appropriate Memorandums of Understanding, Resolutions, and/or Notices of Interest for the operation of shelters, warming stations, and/or safe havens when an urgent and compelling need exists for the health and safety of the citizens of Weslaco, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Suarez and Mayor Pro-Tem Noriega.)

There was no action on this item.

- J. Discussion and consideration to waive fees associated with the use of the La Plazita Park to host Christmas at La Plazita for the less fortunate children of Weslaco scheduled for December 20, 2014 at 1:00 p.m., and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Suarez and Mayor Pro-Tem Noriega.)

Mayor Pro-Tem Noriega spoke in support of the program and thanked the citizens who participate in it.

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

- K. Discussion and consideration to approve a traffic light or four-way stop at the intersection of 6th Street and Oklahoma Avenue, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Suarez and Mayor Pro-Tem Noriega.)

Mayor Pro-Tem Noriega explained that Father Carlos brought this item to her attention after witnessing eleven accidents at this intersection.

Mr. Mardoqueo Hinojosa stated a traffic study would need to be conducted to determine the whether a traffic light or four-way stop would be the better option for this intersection, which he proposes would begin in January 2015 when the traffic flow is back to normal after the holidays. In the meantime, the Interim City Manager suggested by administrative authority striping the curb immediately to allow for

greater visibility and improved safety.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to approve a four-way stop and striping at the intersection of 6th Street and Oklahoma Avenue, with a traffic study pending, authorized a budget amendment as appropriate, and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- L. Discussion and consideration to authorize the solicitation of Request for Qualifications (RFQ) for City Manager position and authorize the Mayor to execute any related documents. Possible action. (Requested by the Mayor Suarez and Mayor Pro-Tem Noriega.)

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

- M. Discussion and consideration to authorize the Notice of Termination for the Tax Collection Services Agreement with Linebarger, Goggan, Blair & Sampson, LLP for the collection of property taxes for the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Suarez and Mayor Pro-Tem Noriega.)

Commissioner Fox, seconded by Commissioner Tafolla, requested to move the order of the day to convene in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

At 8:40 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 8:47 p.m., the Mayor announced the City Commission recessed its Executive Session and convened the regular meeting as open to the public.

In response to Commissioner Tafolla, Mayor Pro-Tem Noriega stated the reason for this termination is that she would like to move in a different direction. Commissioner Kerr stated he reviewed numbers with other companies, and believes the numbers can improve.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to approve the item as presented. The motion carried with Commissioners Tafolla, Fox and Rivera opposed (4-3); Mayor Suarez was present and voting.

- N. Discussion and consideration to enter into an Agreement with a Law Firm to Conduct Delinquent Tax Services for the City of Weslaco and authorize the Mayor to execute any related documents. Possible action. (Requested by Mayor Suarez and Mayor Pro-Tem Noriega.)

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved to enter into an

Agreement with Perdue, Brandon, Fielder, Collins and Mott LLP to conduct Delinquent Tax Services for the City of Weslaco to include an indemnity clause and authorized the Mayor to execute any related documents. The motion carried with Commissioners Tafolla, Fox and Rivera opposed (4-3); Mayor Suarez was present and voting.

VIII. REPORTS

- A. Report on the 2014 Comprehensive & Master Drainage Plan by Gonzalez De La Garza Consulting Engineers.

Mr. Mark Long, representing Gonzalez de la Garza, reported the draft documents for the Comprehensive & Master Drainage Plan had been presented to staff last week; the next steps for the plans include the first public hearing at the upcoming Planning and Zoning Commission meeting, a second public hearing at the City Commission meeting on January 20, 2015, at which time final approval of the plans may be made.

- B. Report on the sale of Knapp Medical Center to Prime Healthcare Systems, Inc. by Bond Counsel.

There was no report.

- C. Report on the Ordinances Under Review. Attachment.

The Interim City Manager explained that staff has prepared lists of ordinances for review, summarily affected by state statutes; the intent is to prepare a timetable to address concerns for each ordinance.

Commissioner Pena stated he would like to expedite the changes that need to be made regarding the ordinance about residential truck parking requirements, as it presents a safety issue. Captain Ted Walensky explained the department has held off on enforcement of this ordinance until they were able to find alternate parking for the trucks. A parking lot for trucks was designated in the Industrial Park area, but due to burglary issues, truck drivers do not want to park trucks there.

- D. Report by Public Utilities Department on Self-Performance of Water, Wastewater, and Lift Station systems.

Mr. David Salinas presented a report on the itemized costs for the Water, Wastewater and Lift Station systems; the total cost of operations for fiscal year 2014 was approximately \$2 million unaudited. The Mayor requested the report be revised to incorporate the cost of accrued sick leave as well as other benefits, such as the retirement contribution.

- E. Report on the Department Director Vacancies by Interim City Manager.

The Interim City Manager stated there are currently five department director vacancies posted, including: IT Director, Finance Director, Fire Chief, Police Chief, and City Manager.

In response to Mayor Pro-Tem Noriega, the Assistant City Manager position has not been posted; however, it remains on the organizational chart. Ms. Sonia Flores clarified that the Assistant City Manager position has not been budgeted this year.

In regards to the Chief of Police vacancy, Mayor Suarez stated 31 applications had been received as of November 18. Mayor Suarez directed to have an item on the agenda for the next regular meeting to close the application period.

IX. ADJOURNMENT

With no other business before the Commission, at 11:51 p.m. Commissioner Pena, seconded by Mayor Pro-Tem Noriega, moved to adjourn the December 16, 2014 regular meeting. The motion carried unanimously; Mayor Suarez was present and voting.

CITY OF WESLACO

MAYOR, David Suarez

ATTEST:

CITY SECRETARY, Elizabeth Walker

MAYOR PRO-TEM, Olga Noriega

COMMISSIONER, David R. Fox

COMMISSIONER, Greg Kerr

COMMISSIONER, Gerardo "Jerry" Tafolla

COMMISSIONER, Lupe Rivera

COMMISSIONER, Fidel L. Pena, III