



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, JANUARY 20, 2015**

On this 20th day of January at 5:34 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	Mike R. Perez
City Secretary	Elizabeth Walker
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/ Planning Director; Interim Chief Chris Sanchez, Fire Department; Ted Walensky, Police Department; David Arce, Parks and Recreation Director; Veronica Ramirez, Human Resources Director; Olga Garza, Public Facilities Assistant Director; George Garrett, Airport Director; Arnold Becho, Library Director; Martin Mata, Library Assistant Director; Joey Trevino, 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, January 16, 2015.

B. Invocation.

Pastor Richard Speer from Grace Episcopal Church delivered the invocation.

C. Pledge of Allegiance.

Mayor Suarez recited the Pledge of Allegiance and the Texas flag.

D. Roll Call.

Elizabeth Walker, City Secretary, called the roll, noting the arrival of Commissioner Fox at 5:40 p.m.

II. PUBLIC COMMENTS

There were no comments received.

III. PUBLIC HEARINGS

- A. To solicit input on the 2014-2015 City Comprehensive Plan as prepared by Gonzalez-De La Garza Consulting Engineers.
- B. To solicit input on behalf of Mario M. Womble to amend Ordinance 320 and the City of Weslaco Zoning map to rezone 301 S. Bridge Ave., also being Lot 6, Blk 4, Molby 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 Craig Jenkins to amend Ordinance 320 and the City of Weslaco Zoning map to rezone Lots 1, 2, 11, and 12, Block 2 and Lot 1, Block 3, Fresno Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District.
- D. To solicit input on behalf of Raul Ugalde to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 2504 N. Bridge Avenue, Suite. B, also being Mom and Pop Plaza Lot 1, Weslaco, Hidalgo County, Texas.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to open the public hearings concurrently at 5:37 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

In regards to item III. A, Mr. Mark Long presented the current status of the Master Drainage Plan and the Comprehensive Plan; an additional meeting with the Planning and Zoning Commission will be held February 4. The Weslaco 2040 website remains active. The Interim City Manager recommended scheduling a workshop to discuss the Comprehensive Plan further.

Commissioner Tafolla, seconded by Commissioner Pena, moved to close the public hearings concurrently at 5:46 p.m. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Fox, seconded by Commissioner Tafolla, moved to change the order of the day, placing item VII. A. for immediate consideration. The motion carried unanimously; Mayor Suarez was present and voting.

Commissioner Kerr recused himself from the dais at 5:47 p.m.

VII. REPORT

- A. Report by Bond Counsel on the Series 2008A and 2008B Bonds from the Law Firm of Bracewell and Giuliani.

Ms. Elizabeth Bowes, partner with the firm, stated that the City has no liability with respect to the 2008 bonds with Knapp Medical Center, as reinforced by a Texas Attorney General opinion at the time of issuance. In response to Commissioner Fox, Ms. Bowes reported that the change of ownership of the hospital does not affect the validity of that opinion and the entity responsible for the payment of the debt is the owner of the facility. Ms. Dinah Gonzalez, Chief Financial Officer with Knapp Medical Center, assured that all principle and interest payments are current, with \$37,315,000.00 remaining on the bond issuance.

VIII. EXECUTIVE SESSION

At 6:01 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:37 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. 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 Noriega, seconded by Commissioner Rivera, moved to authorize the City Attorney to proceed as directed in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Personnel - Discussion regarding the goals and objectives of the Interim City Manager for the City of Weslaco as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

- C. Personnel - Discussion with the Interim City Manager regarding the Police Chief and Fire Chief applicants as authorized by §551.074 of the Texas Government Code.

There was no action on this item.

- D. 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.

Commissioner Pena, seconded by Commissioner Kerr, moved to authorize the City Attorney to proceed as directed in Executive Session. The motion carried

unanimously; Mayor Suarez was present and voting.

- E. Potential Litigation – Discussion with City Attorney regarding recent annexations by neighboring jurisdictions as authorized by §551.071 of the Texas Government Code.

Commissioner Kerr noted his abstention for the record with his Conflict of Interest Statement on file.

Commissioner Pena, seconded by Commissioner Rivera, moved to authorize the City Attorney to proceed as directed in Executive Session. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Pending Litigation - Discussion with City Attorney and Special Counsel regarding Cause No. C-081-13 B Weslaco Health Facilities Development Corporation v. Knapp Medical Center, et.al. as authorized by §571.071 of the Government Code.

Commissioner Kerr noted his abstention for the record with his Conflict of Interest Statement on file.

Commissioner Fox, seconded by Commissioner Pena, moved to authorize the Mayor to proceed as directed in Executive Session. 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 January 6, 2015. (Staffed by City Secretary's Office.) Attachment.
- B. Approval of the lease agreement with Rio Valley Youth Soccer Association for use of Pablo G. Pena City Park Soccer fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- C. Approval of the renewal of the lease agreement with Mid Valley Youth Soccer League for use of Pablo G. Pena City Park Soccer fields and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- D. Approval of the renewal of the lease agreement with Weslaco Little League for use of Isaac Rodriguez Park Multi-Purpose Field and Minor Field and Concession Stands and Harlon Block/Sports Complex Field #1, Field #2 and Concession Stands and authorize the Mayor to execute any related documents. (Staffed by Parks and

Recreation Department.) Attachment.

- E. Approval of the renewal of the lease agreement with Weslaco Softball/Baseball League and approve the use of the Softball/Baseball Fields 1, 2 and 3 and concession stand at Pablo G. Pena City Park and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- F. Approval of the one year interlocal agreement extension with the Hidalgo County Head Start Program for the property located at 310 N. Kansas Avenue, effective January 1 – December 31, 2015 and authorize the Mayor to execute any related documents. (Staffed by Parks and Recreation Department.) Attachment.
- G. Authorization of Request for Proposals (RFPs) to maintain current internet access, provide and install necessary equipment, and supply automated services within the confines of the Schools and Libraries Program of the Universal Service Fund (E-rate). (Staffed by Library.) Attachment.
- H. Approval of Resolutions 2015-04, 2015-05, and 2015-06 authorizing the Mayor, Commissioners, and Interim City Manager to exercise certain powers identified with Greater State Bank, Lone Star National Bank, and Rio Bank, respectively, including opening accounts, certificate of deposits, transferring funds, securing safe deposit boxes, and making inquiries pertaining to accounts and authorize them to execute any related documents. (Staffed by Finance Department.) Attachment.
- I. Authorization to utilize Federal Equitable Sharing Funds forfeiture account in an amount not to exceed \$3,000.00 for an annual subscription to West Group, also known as Clear Plus Web Analytics, for identification software and authorize a budget amendment as appropriate. (Staffed by Police Department.) Attachment.

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

V. APPOINTMENTS

- A. Discussion and consideration to approve Resolutions 2015-07 and 2015-08 appointing two members to expired or unexpired terms, removing members as appropriate, on the Weslaco Health Facilities Development Corporation and authorize the Mayor to execute any related documents. Possible action. (Staffed by Finance Department.) Attachment.

Commissioner Kerr stated he received a written legal opinion that he has no conflict of interest on this item; the City Attorney confirmed that opinion remains effective.

Mayor Suarez, seconded by Commissioner Pena, moved to approve Resolutions 2015-07 and 2015-08 appointing Laurie Cardenas and Melva Segura, respectively to

expired terms on the 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.

Mayor Suarez, seconded by Commissioner Pena, moved to approve Resolutions 2015-09 and 2015-10 removing Moises Castillo and Robert Lozano and appointing Vickie Wilt and Benita Valadez, respectively, to those unexpired terms. The motion carried unanimously; Mayor Suarez was present and voting.

VI. NEW BUSINESS

- A. Discussion and consideration after public hearing on behalf of Mario M. Womble to approve Ordinance 2015-01 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 301 S. Bridge Ave., also being Lot 6, Blk 4, Molby Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. First Reading of Ordinance 2015-01. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated that of the twenty property owners notified, one letter of opposition was received. Though the Planning and Zoning Commission recommend approval, staff recommends denial based on the Comprehensive Plan; however, Mr. Hinojosa noted B4 is an allowed use.

Commissioner Pena, seconded by Commissioner Fox, moved to approve Ordinance 2015-01 amending Ordinance 320 and the City of Weslaco Zoning map to rezone 301 S. Bridge Ave., also being Lot 6, Blk 4, Molby Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-4 Neighborhood Office District. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration after public hearing on behalf of Craig Jenkins to approve Ordinance 2015-02 amending Ordinance 320 and the City of Weslaco Zoning map to rezone Lots 1, 2, 11, and 12, Block 2 and Lot 1, Block 3, Fresno Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District. First Reading of Ordinance 2015-02. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated staff recommends approval of this item, noting the location is the northeast corner of Texas Boulevard and the Expressway.

Commissioner Pena, seconded by Commissioner Fox, moved to approve Ordinance 2015-02 amending Ordinance 320 and the City of Weslaco Zoning map to rezone Lots 1, 2, 11, and 12, Block 2 and Lot 1, Block 3, Fresno Subdivision, Weslaco, Hidalgo County, Texas, from R-1 One Family Dwelling District to B-2 Secondary Highway Business District. The motion carried unanimously; Mayor Suarez was

present and voting.

- C. Discussion and consideration after public hearing on behalf of Raul Ugalde to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 2504 N. Bridge Avenue, Suite. B, also being Mom and Pop Plaza Lot 1, Weslaco, Hidalgo County, Texas. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated staff recommends approval of this item; no letters of opposition were received. This store is located at the northeast corner of Sugarcane and Bridge avenues.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve a Conditional Use Permit to obtain a Wine and Beer Retailer's Off-Premise Permit at 2504 N. Bridge Avenue, Suite. B, also being Mom and Pop Plaza Lot 1, Weslaco, Hidalgo County, Texas. The motion carried unanimously; Mayor Suarez was present and voting.

- D. Discussion and consideration to authorize a grant submission to the Hidalgo County Metropolitan Planning Organization for the Federal Transit's Administration 5310 Program for Enhanced Mobility for Seniors and Persons with Disabilities with a 20% match and authorize the Mayor to execute any related documents. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Mr. Mardoqueo Hinojosa stated there will be a meeting with the Metropolitan Planning Organization on January 29 to discuss this matter, as the application is due on February 20. He stated he will include in the grant submission areas identified from the Martinez case; the total cost expected is \$150,000.00 with local contribution of \$30,000.00.

Commissioner Pena, seconded by Commissioner Rivera, moved to authorize a grant submission to the Hidalgo County Metropolitan Planning Organization for the Federal Transit's Administration 5310 Program for Enhanced Mobility for Seniors and Persons with Disabilities with a 20% match and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Discussion and consideration to authorize the purchase of time and attendance management system for payroll recordkeeping in an amount not to exceed \$80,000.00 and authorize a budget amendment as appropriate. Possible action. (Staffed by Information Technology Department.) Attachment.

Mr. Juan Salas stated he received three quotes through cooperative pricing and recommends TimeClock Plus as vendor; in response to the Mayor Pro-Tem, he stated he anticipates six weeks to implement across sixteen sites at various municipal facilities. The program uses a digital thumbprint and interfaces with Incode. The

City Manager stated he will confer with counsel regarding exempt employees' protocols in compliance with the Department of Labor, as they may clock in but not out.

Commissioner Pena, seconded by Commissioner Tafolla, moved to authorize the purchase of time and attendance management system for payroll recordkeeping in an amount not to exceed \$80,000.00 and authorize a budget amendment as appropriate. The motion carried unanimously; Mayor Suarez was present and voting.

- F. Discussion and consideration to authorize the purchase of audio visual equipment for broadcasting City meetings in an amount not to exceed \$20,000.00 from the PEG Channel Fund and authorize a budget amendment as appropriate. Possible action. (Staffed by Information Technology Department.) Attachment.

The Interim City Manager stated there was some damage to the wiring in the Legislative Chamber, though it should only cost \$2,000.00 to repair, he requests consideration of an amount not to exceed \$20,000.00 for other potentially eligible audio visual improvements.

Commissioner Pena, seconded by Commissioner Rivera, moved to authorize the purchase of audio visual equipment for broadcasting City meetings in an amount not to exceed \$20,000.00 from the PEG Channel Fund and authorized a budget amendment as appropriate. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Discussion and consideration to reject sole bid received in response to Request For Bids No. 2014-15-08 and authorize to re-advertise and solicit sealed bids for the purchase of two (2) recycling trailers, utilizing grant funds through the LRGVDC Solid Waste Program, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Public Utilities Department.) Attachment.

In response to Commissioner Pena, Ms. Olga Garza confirmed the total bid received was \$22,000.00. Since this was the only bid received, the Interim City Manager recommended rejecting this bid in order to aggressively recruit more bids.

Commissioner Pena, seconded by Commissioner Kerr, moved to reject the sole bid received in response to Request For Bids No. 2014-15-08 and authorized to re-advertise and solicit sealed bids for the purchase of two (2) recycling trailers, utilizing grant funds through the LRGVDC Solid Waste Program, 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.

- H. Discussion and consideration to approve Ordinance 2015-03 amending the Code of Ordinances §114-17, "Political signs and banners; removal," adding such sections to provide for the placement of political signs on private property, to provide for the

regulation of electioneering on public property and election polling places; to provide a repealing clause; to provide a severability clause; to provide a penalty for each offense; and to provide an effective date. First Reading of Ordinance 2015-03. Possible action. (Staffed by City Secretary's Office.) Attachment.

Acknowledging this draft ordinance is in response to some of the issues presented last election, the City Secretary summarized the elements of reasonable restrictions as proposed, with electioneering limited only to that public property hosting a polling location and only during the voting period, commencing 5:30 p.m. the business day immediately preceding the period until 72-hours after the polls close. There should be no more than four signs at a polling location for each candidate or measure with a place on that ballot; those signs should be independently upright. All other electioneering may be further restricted to areas as designated. The City Manager recommended identifying the "City Secretary or designee," rather than the City Manager within the ordinance; the City Secretary stated she would request second reading of this ordinance as Old Business next meeting, rather than consent agenda, to allow for more discussion.

Commissioner Pena, seconded by Commissioner Rivera, moved to approve Ordinance 2015-03 amending the Code of Ordinances §114-17, "Political signs and banners; removal," adding such sections to provide for the placement of political signs on private property, to provide for the regulation of electioneering on public property and election polling places; to provide a repealing clause; to provide a severability clause; to provide a penalty for each offense; and to provide an effective date. The motion carried unanimously; Mayor Suarez was present and voting.

- I. Discussion and consideration to approve ground leases between the City of Weslaco d.b.a. Mid Valley Airport and Shari Pate for Hangars W15 and W16 for a period not to exceed five (5) years and authorize the Mayor to execute any related documents. Possible action. (Staffed by Airport.) Attachment.

In response to Commissioner Pena, Mr. George Garrett recommended approval of this item.

Mayor Pro-Tem Noriega, seconded by Commissioner Pena, moved approve ground leases between the City of Weslaco d.b.a. Mid Valley Airport and Shari Pate for Hangars W15 and W16 for a period not to exceed five (5) years and authorized the Mayor to execute any related documents. The motion carried unanimously; Mayor Suarez was present and voting.

- J. Discussion and consideration to authorize the monetary Annual Service Award to retiree Lori A. Maldonado in the amount of \$320.00, ratify the program as an employee benefit, and authorize a budget amendment as appropriate. Possible action. (Staffed by Human Resources.) Attachment.

In response to Mayor Pro-Tem Noriega, Ms. Veronica Ramirez explained that since

2007, only employees that were currently on staff at the time received their service award. The Interim City Manager verified there are no City records that show this service award approved as policy, but the Mayor noted tis had become common practice. He recommended approval granting this service award to all employees who actually worked for the City; he referred to the packet document with the award identified for years of service.

Commissioner Pena, seconded by Commissioner Kerr, moved to authorize the monetary Annual Service Award to retiree Lori A. Maldonado in the amount of \$320.00, ratified the program as an employee benefit, and authorized a budget amendment as appropriate. The motion carried unanimously; Mayor Suarez was present and voting.

X. ADJOURNMENT

With no other business before the Commission, at 8:17 p.m. Commissioner Pena, seconded by Commissioner Tafolla, moved to adjourn the January 20, 2015 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