



**A REGULAR MEETING
OF THE WESLACO CITY COMMISSION
TUESDAY, APRIL 21, 2015**

On this 21st day of April 2015 at 5:33 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
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, Chief Tony Lopez, Fire Department; Captain Ted Walensky, Police Department; David Arce, Parks and Recreation Director; Arnold Becho, Library Director; Gloria Givilancz, Compliance Coordinator; Joe Pedraza, Health Official; 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 Thursday, April 17, 2015.
- B. Invocation.
Pastor J.J. Wicke from First United Methodist Church led the invocation.
- C. Pledge of Allegiance.
The Mayor led the Pledge of Allegiance and 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.

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discussed separately unless requested by one commission member, in which event the item or items will immediately be withdrawn for individual consideration in its normal sequence after the items not requiring separate discussion have been acted upon.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 April 7, 2015. (Staffed by City Secretary’s Office.) Attachment.
- B. Approval on Second and Final Reading of Ordinance 2015-13, appointing Mike R. Perez as City Manager of the City of Weslaco; establishing the salary of the City Manager; establishing duties, responsibilities, and at-will status as City Manager; and ordaining other matters with respect to the subject matter herein. (First reading held on April 7, 2015; Staffed by City Manager’s Office.) Attachment.
- C. Authorization of the solicitation of Request for Bids (RFB) for an alternate AMI/AMR system for meter reading operations. (Staffed by Public Utilities 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.

For the record, Ordinance 2015-13 reads as follows:

ORDINANCE NO. 2015-13

AN ORDINANCE APPOINTING MIKE R. PEREZ AS CITY MANAGER OF THE CITY OF WESLACO; ESTABLISHING THE SALARY OF THE CITY MANAGER; ESTABLISHING DUTIES AND RESPONSIBILITIES AS CITY MANAGER; DECLARING AT WILL STATUS OF THE WESLACO CITY MANAGER; AND ORDAINING OTHER MATTERS WITH RESPECT TO THE SUBJECT MATTER HEREIN.

WHEREAS, The Weslaco City Charter authorizes The Weslaco City Commission to appoint a City Manager; and

WHEREAS, The Weslaco City Charter requires the salary of The Weslaco City Manager be set by ordinance; and

WHEREAS, The Weslaco City Charter sets out the duties, responsibilities and employment status of The Weslaco City Manager;

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

SECTION I.

Mike R. Perez is hereby appointed as City Manager for The City of Weslaco at an annual salary of \$180,000.00, use of a city vehicle, plus all other established employee benefits;

SECTION II.

The Weslaco City Manager shall be responsible for the efficient administration of all City of Weslaco departments, comply all state and federal laws and regulations and with the powers and duties as set out in Article V., Section 21 of The Weslaco City Charter.

SECTION III.

The Weslaco City Manager shall hold office at the will of the Weslaco City Commission.

PASSED AND APPROVED on first reading at a regular meeting of the City Commission this 7th day of April, 2015.

PASSED AND APPROVED on second reading at a regular meeting of the City Commission this 21st day of April, 2015.

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

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

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

IV. OLD BUSINESS

- A. Discussion and consideration to approve on Second and Final Reading 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. Possible action. (This item was tabled on March 17, 2015; First reading held January 20, 2015; Staffed by City Secretary's Office.) Attachment.

Commissioner Kerr moved to keep this item on the table pending a workshop of the Commission to further study the issue; Commission Pena raised a point of order to establish a date certain. Commissioner Kerr withdrew his motion.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to table this item until the June 2, 2015 meeting. The motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration to approve Ordinance 2015-12 repealing Ordinance 2004-23, the "City of Weslaco Sign Ordinance," codified as Chapter 114 of the Weslaco Code of Ordinances, to adopt new regulations and ordain other matters with respect to the subject matter hereof. First Reading of Ordinance 2015-12. Possible action. (This item was tabled on March 17, 2015; Staffed by Planning and Code

Enforcement Department.) Attachment.

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

In response to Commissioner Pena, Ms. Rebekah de la Fuente stated this ordinance is prompted by the volume and nature of variance requests; existing signage will be “grandfathered” as non-conforming signs. The City Manager noted that the allowed square footage will increase for single family lots, but decrease for apartments and other commercial zones.

Commissioner Kerr, seconded by Commissioner Pena, moved to approve Ordinance 2015-12 repealing Ordinance 2004-23, the “City of Weslaco Sign Ordinance,” codified as Chapter 114 of the Weslaco Code of Ordinances, to adopt new regulations and ordain other matters with respect to the subject matter hereof. The motion carried unanimously; Mayor Suarez was present and voting.

V. **NEW BUSINESS**

- A. Discussion and consideration to approve Ordinance 2015-14, the “Peddlers and Solicitors Ordinance,” to amend ordinance number 2015-08, codified as Part II Chapter 102 of the Weslaco Code of Ordinances, adopting new regulations. First Reading of Ordinance 2015-14. Possible action. (Staffed by Planning and Code Enforcement Department.) Attachment.

Commissioner Kerr, seconded by Commissioner Fox, moved to the item as presented.

The City Manager explained this revision is presented due to the overtime paid by the City to enforce holidays; he added this ordinance is a compromise regulating peddlers. Commissioner Fox suggested including Homecoming as a recognized event for solicitors; Commissioner Pena suggested the fee as \$20.00/event, rather than per day.

Commissioner Pena, seconded by Commissioner Tafolla, moved to amend the motion to approve Ordinance 2015-14, the “Peddlers and Solicitors Ordinance,” to amend ordinance number 2015-08, codified as Part II Chapter 102 of the Weslaco Code of Ordinances, adopting new regulations including not limited to four days but all five holidays and limited fee to \$20.00/event rather than per day. The motion carried unanimously; Mayor Suarez was present and voting.

The original motion carried unanimously; Mayor Suarez was present and voting.

- B. Discussion and consideration to create an additional Corporal position for the Weslaco Police Department, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.

Captain Walensky explained this position will create a special crimes task force to address street level criminal activity.

Commissioner Kerr, seconded by Commissioner Fox, moved to approve an additional Corporal position for the Weslaco Police Department, 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.

- C. Discussion and consideration to award the best qualified, most advantageous bidder for the purchase of two (2) 2015 Harley Davidson FLHTP motorcycles and installation of equipment in an amount not to exceed \$36,850.00, authorize a budget amendment as appropriate, and authorize the Mayor to execute any related documents. Possible action. (Staffed by Police Department.) Attachment.

Captain Walensky stated this expense is proposed from the asset forfeiture account; the motorcycles should be ready within sixty days of placing the order with a two year warranty. Tri-County Communications, secured through Buyboard, will install the “bells and whistles” as salvaged from the previous Police motorcycles.

Commissioner Rivera, seconded by Commissioner Tafolla, moved to award Desperado Harley-Davidson as the best qualified, most advantageous bidder for the purchase of two (2) 2015 Harley Davidson FLHTP motorcycles and installation of equipment in an amount not to exceed \$36,850.00, 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.

- D. Discussion and consideration to reschedule or cancel the May 19, 2015 regular meeting. Possible action. (Staffed by City Manager’s Office.)

Commissioner Kerr, seconded by Commissioner Tafolla, moved to approve as presented. The City Manager explained that a quorum may not be available for the May 19 meeting as many are attending a retailers’ conference; he recommended cancelling the meeting. The Mayor Pro-Tem clarified there will not be three meetings in June. Commissioner Kerr withdrew his motion.

Commissioner Kerr, seconded by Commissioner Tafolla, moved to cancel the May 19, 2015 meeting. The motion carried unanimously; Mayor Suarez was present and voting.

VI. EXECUTIVE SESSION

At 6:02 p.m., the Mayor announced the regular meeting to convene in Executive Session. At 7:16 p.m., the Mayor announced the City Commission had completed its Executive Session and reconvened the regular meeting as open to the public.

VII. POSSIBLE ACTION ON WHAT IS DISCUSSED IN EXECUTIVE SESSION

Commissioner Kerr noted his conflict of interest disclosure statements filed prior to the meeting on items VII. C, F, and G; he did not participate in discussion or vote on those items.

- A. Personnel - Discussion with the City Manager regarding the Police Chief and Municipal Court Associate Judge applicants as authorized by §551.074 of the Texas Government Code.

Commissioner Pena, seconded by Commissioner Fox, moved to approve Stephen Mayer as Chief of Police and authorized City Manager to negotiate his employment. The motion carried unanimously; Mayor Suarez was present and voting.

The Mayor Pro-Tem thanked Captain Walensky for his service while in charge of the department. There was no action on the Municipal Court Associate Judge applicants; the Mayor noted the Request for Qualifications closed Friday and a committee will review applications received.

- B. Personnel - Discussion regarding the goals, objectives, and evaluation of the 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. Pending Litigation – Consultation with Special Counsel regarding Cause No. C- 5929-13-H City of Weslaco, Texas v. City of Mercedes, Texas in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- D. Pending Litigation – Consultation with City Attorney regarding Cause No. C- 1361-15-E Mobile Video Tapes, Inc., D/B/A KRGV-TV v. City of Weslaco, Texas, Mike Perez in the 275th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

Mayor Pro-Tem Noriega, seconded by Commissioner Kerr, moved to authorize the City Attorney to proceed as directed in Executive Session regarding Cause No. C- 1361-15-E Mobile Video Tapes, Inc., D/B/A KRGV-TV v. City of Weslaco, Texas, Mike Perez. The motion carried unanimously; Mayor Suarez was present and voting.

- E. Pending Litigation – Consultation with City Attorney regarding Cause No. C- 1277-15-H Elvia Caballero Lopez d/b/a or a/k/a Caballero Governmental Affairs v. City of Weslaco, Texas in the 389th Judicial District Court of Hidalgo County pursuant to §551.071 of the Texas Government Code.

Mayor Suarez, seconded by Commissioner Pena, moved to authorize the City Attorney to proceed as directed in Executive Session regarding Cause No. C- 1277-15-H *Elvia Caballero Lopez d/b/a or a/k/a Caballero Governmental Affairs v. City of Weslaco, Texas*. The motion carried unanimously; Mayor Suarez was present and voting.

- F. 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 International Association of Fire Fighters Local 3207 as authorized by §551.071 of the Texas Government Code.

The Mayor, seconded by Commissioner Pena, moved to authorize the City Manager to lead the negotiating team consisting of the Mayor, Mayor Pro-Tem, and City Attorney with Fire Chief as resource in connection to the Collective Bargaining Agreement with the International Association of Fire Fighters Local 3207. The motion carried unanimously; Mayor Suarez was present and voting.

- G. Pending Litigation – Discussion with City Attorney regarding Cause No. CCD-0033-F *In The Matter of Proceedings By The City of Weslaco, Texas for The Condemnation of Certain Property of Ricardo Oliva* pursuant to §551.071 of the Texas Government Code.

There was no action on this item.

- H. Pending Litigation - Consultation with City Attorney regarding Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco* as authorized by §551.071 of the Texas Government Code.

Commissioner Tafolla, seconded by Commissioner Rivera, moved to authorize the City Attorney to proceed as directed in Executive Session regarding Docket No. CL14-2629-G, *Adela Mireles Gonzalez v. Davis Real Estate RGV, LLC, Serafin Vazquez, Angeles D. Vazquez, and the City of Weslaco*. The motion carried unanimously; Mayor Suarez was present and voting.

VIII. ADJOURNMENT

With no other business before the Commission, at 7:27 p.m. Commissioner Tafolla, seconded by Commissioner Rivera, moved to adjourn the April 21, 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